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THE
MADRAS CODE.

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GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT

THE
MADRAS CODE:

CONSISTING OF THE UNREPEALED

MADRAS REGULATIONS,
LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL IN
FORCE IN MADRAS,

AND

ACTS OF THE GOVERNOR OF FORT ST. GEORGE IN
COUNCIL,

WITH

CHRONOLOGICAL TABLES,

AND

APPENDIX CONTAINING NOTIFICATIONS, RULES AND ORDERS, ISSUED UNDER THE
SCHEDULED DISTRICTS ACT, 1871 AND ACT XXIV OF 1839 FOR CERTAIN
SCHEDULED DISTRICTS,

TOGETHER WITH

AN INDEX.

THIRD EDITION.

(IN TWO VOLUMES)

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THE MADRAS CODE.

PART III :

ACTS OF THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL—*continued.*

ACT No. III OF 1884.¹

[21st April, 1884 ; 27th June, 1884.]

The Madras Revenue Recovery Act Amendment Act.

WHEREAS it is expedient to amend Act II of 1864² of the Madras Code (*an Act to consolidate the Laws for the recovery of arrears of revenue in the Madras Presidency*) ; It is hereby enacted as follows :—

1. For section 38 of Act II of 1864² of the Madras Code (*an Act to consolidate the Laws for the recovery of arrears of revenue in the Madras Presidency*), the following section shall be substituted :—

Amendment
of section 38
of Act III of
1864.

“ 38. [*Vide supra*, p. 289.]

2. This Act shall be read with, and taken as part of, Act II of 1864² of the Madras Code.

Construction
of Act.

¹ Short title, “The Madras Revenue Recovery (Amendment) Act, 1884”—*see* the Repealing and Amending Act, 1901 (XI of 1901).

For Statement of Objects and Reasons, *see* Fort St. George Gazette, Supplement, dated 21st December, 1883, p. 2 ; for Report of the Select Committee, *see* *ibid* dated 19th February, 1884, p. 1 ; for Proceedings in Council, *see* *ibid* dated 12th February, 1884, p. 47, *ibid* dated 25th March, 1884, p. 8, and *ibid* dated 29th April, 1884, p. 1.

The Act came into force on 23rd September, 1884—*see* notification No. 169, Fort St. George Gazette, 1884, Pt. I, p. 586.

The Act has been declared in force in the Scheduled Districts in Ganjam and Vizagapatam by notification under s. 3 (a) of the Scheduled Districts Act, 1874 (XIV of 1874)—*see* Fort St. George Gazette, 1898, Pt. I, p. 666, and Gazette of India, 1898, Pt. I, p. 869.

² Printed, *supra*, p. 278.

THE MADRAS DISTRICT MUNICIPALITIES ACT, 1884.

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 199. [*Repealed.*]
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 201. (1) Penalty for default to drain, etc.
 (2) Penalty for not keeping private market properly, or for not
 abating nuisance, or for obstructing.
 202. Power to close private market.

(c) *General.*

203. Municipal Council may prohibit sale in street.
 204. (1) Chairman may enter and inspect places for sale or storage of
 articles of food or drink.
 (2) Such articles, if unwholesome, may be detained and produced
 before Magistrate.
 (3) Magistrate may order the same to be destroyed.
 (4) Magistrate may return articles if in good condition, and order
 compensation for loss, etc.

SECTIONS.

205. Inspection of weights and measures.
205.A. Certain persons may be expelled from market.

10. LATRINES, ETC.

206. (1) Latrines and urinals to be provided.
(2) Licensing of public latrines.

(a) *Private Latrines, etc.*

207. (1) Latrines for private houses,
(2) to be enclosed.
208. Latrines, etc., for labourers.
209. Chairman may contract to construct drains, etc.

11. DRAINS, ETC.

210. (1) Drainage works to be constructed under the direction of the Municipal Council.
(2) Powers of Municipal Council in making public sewers.
(3) Notice to owner of private property, and compensation for injury thereto.
(4) Municipal Council may maintain, repair, alter or close sewers.
211. Public drains not to be altered without permission.
212. Buildings over sewers, etc., not to be erected without consent of the Municipal Council.
213. No drains, etc., to be made without permission.
213A. Where general drainage system exists, Council may require, subject to certain provisos, that private persons shall construct drains.
213B. Council may erect ventilating pipes.
214. (1) Branch drains, privies, etc., to be under control of Municipal Council and to be kept in order at cost of owners.
(2) Municipal Council may require owner to repair, etc., any drain or privy.
215. (1) When expense of inspection to be borne by owner.
(2) When such expense to be borne by Municipal Council.

12. GENERAL SANITARY REGULATIONS.

216. Council to arrange for the removal of night-soil, rubbish, etc.
217. (1) Council may order provision of night-soil receptacles.
(2) On failure to comply, Council shall provide at cost of occupier.
218. Cleansing of private latrines, etc.
219. Penalty for improper disposal of filth, etc.
220. Penalty for failure to deposit night-soil in receptacle.
221. Penalty for keeping night-soil, etc., on premises.
Magistrate may direct that culprit shall accept municipal service.
222. Penalty for allowing outflow of offensive liquid.

SECTIONS.

223. Penalty for using any cart without cover in the removal of night-soil, etc.
224. Penalty for throwing rubbish, etc., into sewers or drains.
225. [*Repealed.*]
- 225A. Penalty for feeding animal on deleterious substances, etc.
226. (1) Municipal Council may take steps to abate overcrowding of buildings.
(2) Penalty for neglect of Magistrate's order.
227. Municipal Council to maintain certain wells, etc., in good order.
228. (1) Council may direct owners to cleanse or fill up tanks and wells,
(2) and to drain off stagnant water.
(3) Order may specify mode in which work to be done.
- 228A. (1) Council may in certain cases prohibit cultivation within municipal limits.
(2) Compensation to be given in certain cases.
229. Person removing sand, etc., from public river, etc., without authority, liable to penalty.
230. (1) Stray pigs and dogs.
(2) may be destroyed.
- 230A. Penalty for keeping pigs so as to be a nuisance.

(a) Prevention of Infectious Diseases.

231. (1) Chairman to have power of entry for purpose of preventing spread of disease.
(2) Inspection to be made between sunrise and sunset.
(3) Disinfection of houses, etc.
- 231A. Penalty for selling, etc., infected article.
232. (1) Chairman to notify places for washing and disinfecting.
(2) Infected articles may be destroyed.
(3) Penalty.
- 232A. Council may prohibit use of uncleanly wells and tanks.
233. Chairman may order removal of patients to hospital.
- 233A. Penalty for travelling in public conveyance while suffering from disease.
- 233B. Owner, etc., of public conveyance not bound to carry person suffering from disease.
- 233C. Penalty for letting infected house.

(b) Disposal of Corpses.

234. (1) Municipal Council to provide burial or burning grounds.
(2) Burial-grounds, etc., outside Municipality to be governed by Act and bye-laws.
235. (1) Burial and burning grounds to be registered.
(2) If no owner, Municipal Council may register or close.
236. No burial or burning ground to be opened without license.
237. A book to be kept of places registered.
238. Penalty for burying or burning in unlicensed or unregistered place.

SECTIONS.

239. Notice to be given to Municipal Council of burials, etc.
240. (1) Where burial or burning grounds are dangerous to health, and another convenient place is provided, notice may issue not to bury or burn.
- (2) Notice to be published.
- (3) Penalty for burying, etc., contrary to notice.
241. (i) Depth of grave.
- (ii) Distance between graves.
- (iii) Re-opening graves.
- (iv) Burial and cremation.
- (v) Cremation to be complete.
- (vi) Cloths, etc., to be burned.
- (vii) Corpses to be decently covered.
- (viii) Leaving corpse on highway.
- (ix) Removal of corpse kept for dissection.
- Penalty.
242. Grave-diggers to be licensed.

13. REGISTRATION OF BIRTHS AND DEATHS.

243. Municipal Council to keep register of births and deaths and appoint Registrars.
244. (1) Registrars to live in their districts.
- (2) List of Registrars and their residence to be published.
245. Municipal Council to have register-books prepared.
246. Registrar to inform himself of and register every birth and death.
247. (1) Information of birth to be given within a week.
- (2) Information of death to be given.
248. (1) Where persons die in hospital, Medical Officer in charge to send notice to Registrar.
- (2) Persons performing funeral to give information.
- 248A. Entry of name of child.
249. (1) Persons giving information to sign or mark the register.
- (2) Registrar to give extract.
- (3) But in case of persons born or dying in hospital, register complete on entry of Medical Officer's notice.
- (4) Search of birth and death registers.
- (5) Custody of birth and death registers.

CHAPTER V.

MISCELLANEOUS.

250. (1) Power of Governor in Council to frame forms and make rules.
- (2) Power to summon witnesses of persons conducting election enquiries.
- (3) Rules and forms to have the force of law.

SECTIONS.

- 250A. Assessment and account books to be open to inspection.
251. (1) Annual estimate of expenditure to be submitted to the Governor in Council.
(2) Governor in Council to pass orders on estimate.
252. An annual report of proceedings, etc., to be submitted.
253. Inspection of schools, etc., by Government officers.
254. Appointment of officers to superintend operations of Municipalities.
255. (1) Municipal Council empowered to make bye-laws.
(2) Infringement of bye-law.
(3) Confirmation of bye-laws.
(4) Bye-laws to have the force of law.
256. (1) Publication of rules or bye-laws.
(2) Rules and bye-laws not to have effect until after three months.
257. Copies of Acts, rules and bye-laws to be sold at the municipal office at cost price.
258. Acts of Municipal Council, etc., not to be invalidated by informalities.
259. Liability of members for loss, waste or misapplication.
260. Penalty on Municipal Councillor or servant being interested in contract made with Municipal Council.
261. (1) No action to be brought against Municipal Council, etc., without one month's notice.
(2) If tender of compensation made, award to be limited.
(3) Action to be commenced within six months.
(4) Action not to be brought against Chairman.
262. (1) Assessment, etc., not to be impeached.
(2) No suit for recovery of sums collected.
(3) Distraint not unlawful for want of form.
Special damage actionable.
263. Consequence of failure to obtain license, etc., or breach of same.
264. Failure to comply with notice.
- 264A. General penal clause.
265. (1) Occupier may be required to pay rent to Council on default by owner.
266. Occupier, in default of owner, may execute works, and deduct expenses from his rent.
- 266A. Occupier may recover payment made on behalf of owner.
267. (1) Fees for certain licenses, etc.
(2) Rate of fee to be fixed by Council.
- 267A. Licenses, etc., to specify the period during which they are in force.
268. Payments for unauthorized occupation of lands.
269. Fees, etc., recoverable as taxes.
- 269A. No distraint, suit or prosecution after three years.
270. Surplus sale-proceeds to be credited to municipal fund after six months.
271. (1) Service of bills, notices, etc.
(2) If place of abode be unknown, such notice may be affixed on land, etc.
(3) Bill, etc., sent by post duly served.
(4) Period mentioned in notice to date from service of such notice.

SECTIONS.

272. (1) Owner to be proceeded against first, and in his absence the occupier.
 (2) Obligation to rest with owner in first instance.
273. (1) Proceedings in case of occupier opposing execution of Act.
 (2) Penalty.
 (3) Owner absolved.
274. (1) Power to enter upon lands for the purposes of Act.
 (2) Entry into zanáná.
275. (1) Power of Chairman to enter on lands adjacent to works.
 (2) Compensation for temporary occupation of land, or for injury thereto.
 (3) Previous notice to owner or occupier.
276. Notice for setting apart public places.
277. (1) Penalty for obstructing Municipal Council, etc., in their duty.
 (2) Penalty for removing or destroying notice.
278. Compensation may be made out of the municipal fund.
279. Acquisition of land under Act I of 1894.
280. No prosecution to be commenced by private person.
281. Liability for damage to municipal property.
282. (1) Police-officers to report offences to Municipal Council.
 (2) Power of Police to arrest persons committing offences in their view.
 (3) Penalty.
 (4) Investiture of municipal servants with Police powers.
- 282A. (1) Scavengers entitled to notice of discharge;
 (2) and liable to penalty for leaving without notice.
 (3) Similar provisions may be applied to certain other municipal servants.
283. Penalty for omission to give information.
284. Illegal collection of taxes and tolls.
285. [*Repealed.*]
286. (1) Offender may be detained in custody, or compelled to give security if fine, etc., be not forthwith paid.
 (2) If no sufficient distress can be had, or there be not sufficient property whereupon the fine, etc., can be levied, the offender may be imprisoned.
 (3) How fines and penalties are to be applied.
287. [*Repealed.*]
288. Delegation of powers by the Governor in Council.
289. Notifications to be published in District Gazettes.
- 289A. Publication of bye-laws, orders and notices, etc.

SCHEDULES.

SCHEDULE A.—TAX ON ARTS, PROFESSIONS, TRADES AND CALLINGS.

„ B.—VEHICLES WITH SPRINGS, PALANQUINS AND ANIMALS
 LIABLE TO TAXATION, WITH THE RATES OF TAXATION.

„ C.—FORM OF APPLICATION FOR LICENSE FOR VEHICLES
 AND ANIMALS.

District Municipalities. [1884: Mad. Act IV.
(Chap. I.—Preliminary. Secs. 1-3.)

SCHEDULE D.—MAXIMUM RATES OF TOLLS PAYABLE ON ENTERING THE
MUNICIPAL LIMITS.

- „ E.—DISTRAINT-WARRANT.
„ F.—FORM OF INVENTORY AND NOTICE.
„ G.—TABLE OF FEES PAYABLE ON DISTRAINTS UNDER THIS
ACT,

MADRAS ACT No. IV of 1884.¹

[7th May, 1884; 2nd July, 1884.]

The Madras District Municipalities Act.

reamble.

WHEREAS it is expedient to make better provision for the organization and administration of District Municipalities in the Presidency of Fort St. George, for the conservancy and improvement thereof, for the diffusion of education therein, and for other objects of public utility calculated to promote the health, comfort and convenience of the inhabitants of the said Municipalities; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. 1. (1) This Act may be called the Madras District Municipalities Act, 1884.

Local extent. (2) It extends to the territories for the time being administered by the Governor in Council of Fort St. George and situated beyond the limits of the City of Madras as defined by the said Governor in Council under the City of Madras Municipal Act, [1884], or other law in force for the time being.

Interpretation-clause. 2. [Repeal.] *Rep. by Mad. Act III of 1897, s. 3 (1).*

3. In this Act, unless there is something repugnant in the subject or context,—

“Building.” (i) “building” includes walls, and also houses, huts, sheds, roofed enclosures and constructions appurtenant thereto, whether used for the purpose of human habitation or otherwise:

¹ For Statement of Objects and Reasons, see Fort St. George Gazette, Extraordinary, dated 27th September, 1883, p. 65; for Reports of the Select Committee, see *ibid.*, Supplement, dated 8th January, 1884, and 18th March, 1884, p. 1; for Proceedings in Council, see *ibid.*, Supplement, dated 16th October, 1883, p. 334, *ibid.* dated 12th February, 1884, p. 45, and *ibid.* dated 29th April 1884, p. 2.

² The figures “1884” were substituted for the figures “1878” by the Madras District Municipalities Act Amendment Act, 1897 (Mad. Act III of 1897), s. 4, printed, *infra*, p. 982.

³ This section was substituted for the original section by Mad. Act III of 1897, s. 5.

VI of 1882.

- (ii) "company" means a company registered under the Indian Companies Act, 1882,¹ or under the Acts of Parliament known under the collective title of the Companies Acts, or incorporated by an Act of Parliament or of the Governor General in Council, or by Royal Charter or Letters Patent : "Company."
- (iii) words importing the masculine gender shall be taken to include "Gender." females :
- (iv) "guardian" means any person to whom the care, nurture or custody of any child falls by law or by natural right or recognized usage, or who has accepted or assumed the care, nurture or custody of any child, or to whom the care or custody of any child has been entrusted by any lawful authority : "Guardian."
- (v) "hack-stable" means any place where a horse is ordinarily kept for hire : "Hack-stable."
- (vi) "horse" includes pony and mule : "Horse."
- (vii) "inhabitant" means any person who shall have been ordinarily residing in any municipality for a period of six months or upwards : "Inhabitant."
- (viii) "inoculation" means any operation performed with the object of producing the disease of small-pox by means of variolous matter : "Inoculation."
- (ix) "latrine" includes privy : "Latrine."
- (x) "Magistrate" means a Magistrate appointed under the Code of Criminal Procedure, 1882:² "Magistrate."
- (xi) "market" means any place which is a market at the passing of this Act, or which may have been declared under section 193A to be a market : "Market."
- (xii) "public market" means any market belonging to the Municipal Council or constructed, repaired or maintained out of the municipal fund : "Public market."
- (xiii) "private market" means any other market : "Private market."
- (xiv) "municipality" means any town, village, hamlet, suburb, bazar, station or other local area, or any number of the same, which may be declared to be a Municipality in the manner hereinafter provided : "Municipality."
- (xv) "the Municipal Council" means the body of persons constituted under this Act for each municipality : "The Municipal Council."

¹ Printed, General Acts, Vol. IV.² See now Act V of 1898, General Acts, Vol. VI.

- "Notice." (xvi) "notice" means a written, printed or lithographed notice :
- "Nuisance." (xvii) "nuisance" means any act, omission or thing causing or likely to cause any common injury, annoyance, offence, harm, danger or damage to the sense of sight, smell or hearing of, or which is, or is likely to be, dangerous or injurious to the health or property of, the public or the people in general who dwell or occupy property in the vicinity or persons who may have occasion to use any public right :
- "Number." (xviii) words in the singular shall include the plural, and *vice versa* :
- "Owner." (xix) "owner" includes the person for the time being receiving or entitled to receive the rent or profits of the property or in charge of the animal or thing in connection with which the word is used whether on his own account or as agent or trustee for another person :
- "Palanquin." (xx) "palanquin" includes tonjons, manchils and chairs carried by men by means of poles, but not slings or cots used for the conveyance of children or aged or sick people :
- "Parent." (xxi) "parent" means the father of a legitimate child and the mother of an illegitimate child :
- "Person." (xxii) "person" shall include any company or association or body of individuals, whether incorporated or not :
- "Salary." (xxiii) "salary" means pay and acting pay, or payment by way of commission, but not allowances for house-rent, carriage-hire or traveling expenses :
- "Scavenger." (xxiv) "scavenger" means a person employed in collecting or removing night-soil, in cleansing drains or slaughter-houses or in driving carts used for the removal of night-soil :
- "Schedule." (xxv) "schedule" means a schedule to this Act ; the schedules shall be read as part of this Act :
- "Section." (xxvi) "section" means a section of this Act :
- "Street." (xxvii) "street" includes any road, street, square, court, alley or passage, whether a thoroughfare or not, over which the public has a right of way, together with the drains on either side and with the land, whether covered or not, by any pavement, verandah or other erection, which lies on either side of the roadway up to the boundaries of the adjacent property, whether that property be private property or property reserved by Government for other purposes ; and also includes the roadway over any public bridge or causeway :

- (xxviii) "public street" means any street which is now vested in the Municipal Council, or which may hereafter be made at the cost of the municipal fund, or which may hereafter be declared under section 163 to be a public street : "Public street."
- (xxix) "unprotected child" means a child who has not been protected from small-pox by having had that disease either naturally or by inoculation or by having been successfully vaccinated, and who has not been certified in the manner hereinafter provided to be insusceptible of vaccination : "Unprotected child."
- (xxx) "vaccinator" means a public or private vaccinator : "Vaccinator."
- (xxxi) "public vaccinator" means any vaccinator employed under this Act by a Municipal Council : "Public Vaccinator."
- (xxxii) "private vaccinator" means any person licensed by the Governor in Council to perform the operation of vaccination : "Private Vaccinator."
- (xxxiii) "water-course" includes any river, stream or channel, whether natural or artificial : "Water-course."
- (xxxiv) "public water-courses, springs, wells and tanks" include those used by the public to such an extent as to give it a prescriptive right to such use. "Public water-courses," etc.

4.¹ (1) The Governor in Council may, by notification,² declare his intention to constitute as a municipality any town, village, hamlet, bazar, station or other local area or any group of the same in the immediate neighbourhood of one another. Notification of intention to extend the Act.

(2) Every such notification shall define the limits of the local area to which it relates. Notification to define area.

(3) Any inhabitant of a local area in respect of which a notification has been published under sub-section (1) may, if he desires to object to anything therein contained, submit his objection in writing to the Governor in Council within six weeks from the publication of the notification, and the Governor in Council shall take all such objections into consideration. Inhabitants may submit objections.

(4) When six weeks from the date of the publication have expired and the Governor in Council has considered and passed orders on such objections as may have been submitted to him, the Governor in Council may, by notification, declare the local area or any portion of it to be a municipality. Extension of Act.

¹ This section was substituted for sub-s. (1) of the original s. 4 by the Madras District Municipalities Act Amendment Act, 1897 (Mad. Act III of 1897), s. 6.

² For notifications issued under this section, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, pp. 478 to 481.

Notification
of intention
to alter
limits of a
Municipality

1 4A. (1) The Governor in Council may, by notification,¹ declare his intention—

- (a) to exclude from a municipality any local area comprised therein and defined in such notification; or
- (b) to include within a municipality any local area in the vicinity of the same and defined in the notification.

Rate-payers
and inhabit-
ants may
submit
objections.

(2) Any rate-payer of a municipality or inhabitant of a local area in respect of which a notification has been published under sub-section (1) may, should he object to the alteration proposed, submit his objection in writing to the Governor in Council within six weeks from the publication of the notification, and the Governor in Council shall take such objection into consideration.

Notification
altering
limits.

(3) When six weeks from the publication of the notification have expired and the Governor in Council has considered the objections, if any, which have been submitted under sub-section (2), the Governor in Council may, by notification, exclude the local area or any portion of it from the municipality or include the whole or any portion of it therein, as the case may be.

1 4B. (1) The Governor in Council may, by an order in writing published together with a statement of his reasons for making the same,—

Notification
under section
4 (4) liable
to modifica-
tion or can-
cellation.

- (a) modify or cancel any notification issued under sub-section (4) of section 4 and dissolve the Municipal Council, or

Supersession
of Municipal
Council when
permissible.

- (b) supersede for a specified period any Municipal Council which in his opinion is not competent to perform or persistently makes default in performing the duties imposed on it by law or exceeds or abuses its powers :

Proviso.

Provided that no such orders shall be passed without previously intimating to the Municipal Council the grounds upon which the proposal is based and considering the explanations and objections, if any, of the Municipal Council.

Consequences
of the dis-
solution of a
Municipal
Council.

(2) Upon the dissolution of a Municipal Council under clause (a) of sub-section (1) the Governor in Council may pass such orders as he may deem fit as to the disposal of the property theretofore vested in such Municipal Council.

¹ Ss. 4A and 4B were substituted for sub-s. (2) of the original s. 4 by the Madras District Municipalities Act Amendment Act, 1897 (Mad. Act III of 1897), s. 7.

² For notifications under this section see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, pp. 481 to 483.

(Chap. I.—Preliminary. Sec. 5. Chap. II.—1. Municipal Councils and their Constitution. Secs. 8-9.)

(3) (a) Upon the supersession of a Municipal Council under clause (b) of sub-section (1), the following consequences shall ensue :—

Consequences of the supersession of a Municipal Council.

- (i) all the members of the Municipal Council shall forthwith vacate their offices as such ;
- (ii) all the powers and duties of the Council shall, during the period of supersession, be exercised and performed by such person or persons as the Governor in Council appoints in that behalf ;
- (iii) all property vested in the Council shall, during the period of supersession, vest in the Governor in Council.

(b) On the expiry of the specified period of supersession, the Municipal Council shall be re-constituted and the members who vacated their offices in consequence of the supersession shall not be deemed disqualified for re-election or re-appointment as such.

¹ 5. ² This Act shall come into force in, or cease to apply to, any municipality or part of a municipality, as the case may be, on such date as may be specified in the notification mentioned in sub-section (4) of section 4, or sub-section (3) of section 4A, or clause (a) of sub-section (1) of section 4B.

Commencement and cessation of Act.

6, 7. [*Effects of Municipal Council coming into existence in any town as defined in Act III of 1871 ; reference in prior Acts, &c.*] Rep. by the Madras District Municipalities Act Amendment Act, 1897 (Mad. Act III of 1897), s. 3 (1).

CHAPTER II.

1. MUNICIPAL COUNCILS AND THEIR CONSTITUTION.

8. There shall be constituted for each municipality a Municipal Council having authority over such municipality and consisting of not less than twelve [³ and of not more than twenty-four] persons, who shall be called Municipal Councillors.

Establishment of a Municipal Council.

9. The Revenue-officer in charge of the division of the district wherein any municipality is situated shall *ex officio* be a municipal Councillor of such municipality.

Revenue-officer in charge of the division to be *ex officio* Municipal Councillor.

¹ This section was substituted for the original s. 5 by Mad. Act III of 1897, s. 8.

² For notifications under this section taken with s. 4, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, pp. 478 to 481.

³ These words were inserted by Mad. Act III of 1897, s. 9. *Infra* p. 963.

(Chap. II.—1. Municipal Councils and their Constitution. Secs. 10-10B.)

Appointment
of other
Municipal
Councillors.

¹ 10. Subject to the conditions contained in section 10A and to such rules and other conditions as may be prescribed by the Governor in Council, the other Municipal Councillors shall be partly appointed by the Governor in Council and partly appointed by election by the tax-payers and inhabitants of the municipality or of a part thereof :

Provided that for a period not exceeding three years from the date of the constitution of a municipality all such Municipal Councillors may be appointed by the Governor in Council.

Qualifica-
tions for
appointment
as Municipal
Councillor.

² 10A. (1) In order to be qualified to be appointed a Municipal Councillor a person must—

- (a) be of the male sex ;
- (b) have completed his twenty-fifth year ;
- (c) be resident within the municipality or within two miles of the limits thereof ;
- (d) not be a Municipal Councillor or an officer or servant holding office under this Act or an Honorary Magistrate for the municipal town, unless, in the case of his being an Honorary Magistrate, the Governor in Council exempts him from the disqualification ;
- (e) not have been convicted of any such offence or subjected by a Criminal Court to any such order as implies, in the opinion of the Governor in Council, a defect of character which unfits him to be a Municipal Councillor ;
- (f) not be an uncertificated bankrupt or undischarged insolvent ;
- (g) not be a person interested, otherwise than as a shareholder in a Joint Stock Company, in any contract made with, or work done for, the Municipal Council.

(2) No person is qualified to be appointed a Municipal Councillor if any of his servants or any person in whose service he is employed is a member of the Municipal Council.

Penalties
for corrupt
practices at
municipal
elections.

³ 10B. (1) Whoever, being qualified to vote at any election under this Act or claiming to be so qualified, accepts or obtains, or agrees to accept or attempts to obtain, for himself or for any other person, any gratification whatever as a motive or reward for giving, or forbearing to give, his vote in any such election, shall be liable to a fine not exceeding one hundred rupees for every such offence.

(2) Whoever, by any gift or reward, or by any promise or agreement or

¹ This section was substituted for the original s. 10 by Mad. Act III of 1897, s. 10.

² S. 10A was inserted by Mad. Act III of 1897, s. 11.

³ This section was inserted by Mad. Act III of 1897, s. 11. *Infra* p. 983

(Chap. II.—1. Municipal Councils and their Constitution. Secs. 11-13.)

security for any gift or reward, corrupts or procures, or offers to corrupt or procure, any person to give, or forbear to give, his vote in any election under this Act, shall be liable to a fine not exceeding two hundred rupees for every such offence.

(3) Every person convicted under either of the preceding sub-sections shall, for a term of seven years, be disqualified from voting at any such election and from being elected a Municipal Councillor.

11. [Notwithstanding anything contained in clause (c) of sub-section (I) of section 10A, any person holding a salaried office under Government may be appointed by the Governor in Council to be a Municipal Councillor:]

Appointment of officials as Municipal Councillors.

Provided that the number of such persons appointed by the Governor in Council to be Municipal Councillors of any municipality shall, together with the *ex officio* Municipal Councillor, not exceed one-fourth of the number of Municipal Councillors for such municipality.

Proportion of officials and non-officials.

² 12. Upon this Act coming into force in any municipality, the Governor in Council shall, by notification, declare—

Governor in Council to declare what the maximum number of Municipal Councillors is to be, etc.

(i) what shall be the maximum number of Municipal Councillors to be appointed for the time being for such municipality ;

(ii) what shall be the number or proportion, if any, of Municipal Councillors to be appointed by election in such municipality or in a part thereof ;³ and

(iii)³ whether the Chairman shall be appointed by the Governor in Council or by election.

[⁴ Provided that the Governor in Council may, by notification, accompanied by a statement of his reasons for making the same, cancel or modify such declaration ; but no such notification cancelling or modifying a declaration made under clauses (ii) and (iii) of this section shall be issued without previous intimation to the Municipal Council of the intention of the Governor in Council to issue such notification and of the grounds thereof, or without the consideration by the Governor in Council of the explanations and objections, if any, of the Municipal Council or the Chairman ; and no such cancellation or modification shall come into force until three months after the same shall have been notified.]

He may cancel or modify such declaration.

⁵ 13. In any municipality, where the Municipal Councillors are partly

Proportion of Municipal

¹ The first paragraph was substituted for the original paragraph by Mad. Act III of 1897, s. 12.

² Ss. 13 and 12 of the Act were renumbered as 12 and 13, respectively, by Mad. Act III of 1897, s. 13 (1).

³ The word and figures “and (iii)” were substituted for the figures and word “(iii) and” by Mad. Act III of 1897, s. 13 (2).

⁴ This proviso was substituted for the original proviso by Mad. Act III of 1897, s. 13 (2).

(Chap. II.—1. Municipal Councils and their Constitution. Secs. 14-15.)

Councillors
appointed by
election.

appointed by election, the number of the persons so appointed shall, unless the Governor in Council otherwise directs, be three-fourths of the whole number of the Municipal Councillors.

Governor
in Council
to appoint
Chairman or
to authorize
his election.

¹14. (1) The Governor in Council may either—

(a) himself appoint some person to be the Chairman of the Municipal Council, or,

(b) direct the Municipal Councillors to appoint their Chairman by election subject to his approval and in accordance with such rules and conditions as he may prescribe:

Provided that,—

(i) unless specially exempted by the Governor in Council, every person so appointed must be qualified to be a Municipal Councillor under section 10A ;

(ii) when the Chairman appointed is not a Municipal Councillor, he shall, during his tenure of office as Chairman, which shall be for a term of two years, be *ex officio* a Municipal Councillor irrespective of the strength fixed for the Council under section 12, and shall not be reckoned in calculating the proportions of the number of Municipal Councillors under sections 11 and 13.

Procedure in
case Muni-
cipal Council
fails to make
any or a
suitable
election.

(2) If the Governor in Council has directed the Municipal Councillors to appoint their Chairman by election, and the Municipal Councillors fail to make an appointment within two months from the receipt of such direction, or if the Municipal Councillors make on two successive occasions a nomination which does not meet with his approval, the Governor in Council shall himself appoint a Chairman.

Election
of a Vice-
Chairman.

(3) The Municipal Council may, with the previous sanction of, and in such manner as may be prescribed by, the Governor in Council, elect one of their number to be Vice-Chairman.

Vice-
Chairman
or Revenue
Divisional
Officer to
assume
charge of the
office of
Chairman
when vacant.

²15. (1) In any municipality where the office of Chairman becomes vacant, the Vice-Chairman, or, if there is no Vice-Chairman, the Revenue-officer in charge of the division of the district wherein such municipality is situated, shall assume charge of the office of Chairman and shall discharge the duties of the same until a Chairman is duly appointed.

¹ This section was substituted for the original s. 14 by Mad. Act III of 1897, s. 14.

² This section was substituted for the original s. 15 by Mad. Act III of 1897, s. 15.

(Chap. II.—1. *Municipal Councils and their Constitution.* Secs. 16-17.)

(2) In the temporary absence from a municipality of the Chairman, his duties and powers shall devolve upon the Vice-Chairman, if any.

Vice-Chairman to perform duties and have powers of Chairman during his temporary absence.

16. (1) No Municipal Councillor, other than the Chairman, shall receive any salary or other remuneration from the municipal fund; and no Chairman shall receive any such salary or remuneration unless the payment thereof shall have been sanctioned by the Municipal Council with the approval of the Governor in Council.

Chairman alone may receive remuneration.

(2) Where such salary is attached to the office of the Chairman, the Municipal Council shall be entitled to nominate such Chairman for the approval of the Governor in Council in accordance with such rules and conditions as may be prescribed by the Governor in Council:

Municipal Council to nominate a paid Chairman.

Provided that it shall be lawful for the Governor in Council himself to appoint such Chairman if the Municipal Council fail to make a nomination within two months from the receipt of an order from the Governor in Council directing them to nominate a Chairman, or if the Municipal Council make, on two successive occasions, a nomination which does not meet with the approval of the Governor in Council.

Proviso.

17. ²(1) Subject to the provisions of sections 19 and 20, every person appointed, as aforesaid, to be a Municipal Councillor shall continue in office for three years from the date of the Fort St. George Gazette wherein his appointment was notified under section 21A, and he shall then cease to be a Municipal Councillor; and any Municipal Councillor appointed to be Chairman or Vice-Chairman shall be deemed to have vacated such office on the expiry of the term for which he was originally appointed Municipal Councillor or on his otherwise ceasing to be a Municipal Councillor or, in the case of a Chairman, upon the cancellation of a declaration made under section 12 (iii) in respect of the appointment of the Chairman:

Term of office of Municipal Councillor.

Mad. III of 1897.

Provided that on one occasion only after the passing of the Madras District Municipalities Act Amendment Act, 1897, the Governor in Council may by notification prescribe a date upon which all Municipal Councillors appointed by election prior to such date shall vacate office.

¹ This section was substituted for the original s. 16 by Mad. Act III of 1897, s. 16.

² This sub-section together with its proviso was substituted for the original sub-s. (1) by Mad. Act III of 1897, s. 17 (1).

(Chap. II.—1. Municipal Councils and their Constitution. Secs. 18-19.)

Outgoing
Municipal
Councillor
eligible for
re-appoint-
ment.

(2) But any outgoing Chairman, [¹Vice-Chairman], or Municipal Councillor shall, if otherwise qualified, be eligible for re-appointment.

Resignation
of Municipal
Councillor.

18. (1) Any person appointed as aforesaid to be Chairman, [¹Vice-Chairman] or Municipal Councillor may tender his resignation to the Governor in Council, and, on such resignation being accepted, he shall be deemed to have vacated his office.

Vacation of
office by
Government
servant who
is Municipal
Councillor.

(2) Any person holding a salaried office under Government who is a Municipal Councillor of any municipality shall, on being transferred [²permanently or temporarily] from the district or division wherein such municipality is situated, [²or on quitting the district or division with the intention of remaining absent therefrom for more than three months], be deemed to have vacated his office of Municipal Councillor.

Removal of
Municipal
Councillor.

19. (1) [³The Governor in Council may, by notification, remove any Chairman, Vice-Chairman or Municipal Councillor, other than an *ex officio* Chairman or Municipal Councillor,—]

[⁴(i) on the ground that, at the time of his appointment, he was not qualified under section 10A to be appointed a Municipal Councillor ;]

⁵(ii) if he refuses to act or becomes incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Governor in Council, a defect of character which unfits him to be a Chairman, [¹Vice-Chairman] or Municipal Councillor ;

⁵(iii) if he, without an excuse sufficient in the opinion of the Governor in Council, neglects for more than three consecutive months to be present at the meetings of the Municipal Council ;

⁵(iv) if his continuance in office is, in the opinion of the Governor in Council, dangerous to the public peace or order, [⁶or likely to bring the municipal administration into contempt :

Provided that when the Governor in Council proposes to take action under this clause he shall not pass any orders without giving an

¹ The word " Vice-Chairman " in ss. 17 (2), 18 (1) and 19 (1) (i) was inserted by Mad. Act III of 1897, ss. 17 (2), 18 (1) and 19 (3), respectively. Printed *infra* p. 983.

² These words were inserted by Mad. Act III of 1897, s. 18 (2).

³ These words were substituted for the first fourteen words of sub-s. (1) by Mad. Act III of 1897, s. 19 (1).

⁴ Cl. (i) was inserted by Mad. Act III of 1897, s. 19 (2).

⁵ These clauses were re-numbered as at present by s. 19 (2) of Mad. Act III of 1897.

⁶ These words were inserted and the proviso added by Mad. Act III of 1897, s. 19 (4).

(Chap. II.—1. *Municipal Councils and their Constitution.* Secs. 20-21A.

2. *Municipal Property and Municipal Fund.* Sec. 23.)

- opportunity of explanation to the Chairman, Vice-Chairman or Councillor concerned, and shall also record the reasons for the action taken.]

[¹(v) in the case of a Chairman, if he, without an excuse sufficient in the opinion of the Governor in Council, omits or refuses to carry out any resolution of the Council.]

(2) The Governor in Council may prescribe a period during which such Chairman, [²Vice-Chairman] or Municipal Councillor so removed shall not be eligible for re-appointment or re-election.

20. (1) When the office of Chairman or Municipal Councillor, appointed under this Act, becomes vacant, * * *³ a new Chairman or Municipal Councillor shall, unless the Governor in Council otherwise directs [⁴in exercise of the powers vested in him under section 12], be appointed in the same manner in which his predecessor was appointed.

Filling of vacancy.

[⁵(2) The person so appointed shall, subject to the provisions of clause (i) of sub-section (1) of section 14, hold his seat for the unexpired remainder of the term for which his predecessor would otherwise have continued in office, but shall, if otherwise qualified, be eligible for re-appointment.]

21. Every Municipal Council shall be a body corporate by the name of the Municipal Council of its municipality, shall have perpetual succession and a common seal, with power to hold and acquire property, both moveable and immoveable, and, subject to the restrictions hereinafter contained, to transfer any property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

Incorporation of Municipal Councils.

⁶21A. All elections and appointments of Chairmen, Vice-Chairmen and members of the Municipal Councils shall be notified in the Fort St. George Gazette.

Appointments to be notified in the Gazette.

2.—MUNICIPAL PROPERTY AND MUNICIPAL FUND.

22. [Power to vest the property of Government in a Municipal Council.]
Rep. by Mad. Act III of 1897, s. 3 (1).

23. All public streets in any municipality, and the pavements, stones

Public streets, etc.,

¹ Cl. (v) was added by Mad. Act III of 1897, s. 19 (5).

² The word "Vice-Chairman" in s. 19 (2) was inserted by Mad. Act III of 1897, s. 19 (6).

³ The words "by resignation, removal or death," were here omitted by Mad. Act III of 1897, s. 20 (1).

⁴ These words were inserted by Mad. Act III of 1897, s. 20 (1).

⁵ This sub-section was added and the figure (1) inserted at the commencement of the section by Mad. Act III of 1897, s. 20 (2).

⁶ This section was inserted by Mad. Act III of 1897, s. 21.

(Chap. II.—2. Municipal Property and Municipal Fund. Secs. 24-27.)

vested in the
Municipal
Council.

and other materials thereof, and also all erections, materials, implements and other things provided for such streets, shall vest in, and belong to, the Municipal Council. But it shall be competent to the Governor in Council from time to time, by notification,¹ to exclude any street from the operation of this Act, and to modify or cancel such notification.

Sewers,
drains, etc.,
vested in the
Municipal
Council.

24. (1) All sewers, drains, drainage-works, tunnels and culverts in, alongside or under the streets, in any municipality, whether made at the cost of the Municipal Council or otherwise, and all works, materials and things appertaining thereto, shall vest in, and belong to, the Municipal Council.

Rubbish,
etc., to belong
to Municipal
Council.

(2) All rubbish, sewage, filth and other matters collected under this Act shall vest in, and belong to, the Municipal Council.

Governor in
Council may
exclude any
sewer, etc.

(3) But it shall be competent to the Governor in Council to exclude, from time to time, by notification, any sewer, drain, drainage-work, tunnel and culvert from the operation of this Act, and to modify or cancel such notification.

25. [Power to vest in a Municipal Council hospitals, schools, choultries, etc., not being private property, together with endowments appertaining thereto.] *Rep. by Mad. Act III of 1897, s. 3 (1).*

Saving of
Revenue
Board's
power in
regard to
charitable
endowments.

26. (1) Nothing in this Act shall be deemed to affect the duties and powers vested in the Board of Revenue in respect of charitable endowments by Regulation VII of 1817.²

Power to
transfer
them to
Municipal
Council.

(2) But it shall be competent to the said Board, with the written consent of the Governor in Council and of the Municipal Council, to make over to the Municipal Council the management and superintendence of any such endowment; and thereupon all powers and duties which attach to the Board of Revenue in respect thereof shall attach to such Municipal Council as if they had been specifically named in the said Regulation.

What shall
constitute
the muni-
cipal fund.

27. All moneys, rents and profits received by the Municipal Council of any municipality by virtue of this or any other Act, and all fines, fees and penalties paid or levied under this Act, and all other moneys which, under sanction of the Governor in Council, may be transferred to such Municipal Council, shall be credited to, and shall constitute a fund which shall be called, the municipal fund of such municipality, and shall, together with all property of every nature or kind which may become vested in the said Municipal

¹ For notification issued under this power, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, p. 499.

² Printed, *supra*, p. 68.

(Chap. II.—2. *Municipal Property and Municipal Fund.* Sec. 28.3. *Mode of transacting Business.* Sec. 29.)

Council, be under their control, and shall be held by them in trust for the purposes of this Act.

28. (1) All moneys received by the Municipal Council or forming part of the municipal fund shall be lodged in the nearest Government treasury or, with the sanction of the Governor in Council, in [1 a bank]: Provided always that it shall be competent to the Municipal Council, with the sanction of the Governor in Council, to invest any sums, not required for immediate use, either in the Government Savings Bank or in Government securities, or in any other form of security which may be approved of by the Governor in Council.

Custody of
municipal
fund.

(2) All orders for payment of money from the municipal fund shall be signed by the Chairman or, in the absence of the Chairman, [2 by any two Municipal Councillors who have been duly authorized in this behalf by the Chairman], and the treasury or bank in which such fund may be lodged shall, so far as the funds to the credit of the municipality admit, pay all orders against the said fund which are so signed: [3 Provided that, if the Municipal Council shall have given previous authority in writing, such treasury or bank may at once pay out of such fund without such order any expense which the Governor in Council has incurred on behalf of the Municipal Council.]

Mode of
drawing on
municipal
fund.

3.—MODE OF TRANSACTING BUSINESS.

29. (1) The Municipal Council shall provide an office and shall meet for the transaction of business at least once in every month, upon such days and at such times as they may arrange, and also at other times as often as a meeting shall be called by the Chairman.

Municipal
Council to
keep an office,
and to meet
at least once
a month,
Chairman
to convene
meeting on
requisition.

4 (2) The Chairman shall, on the requisition in writing of not less than one-fourth of the Municipal Councillors then on the Council, convene a meeting of the Municipal Council: Provided that the requisition specifies the day when, and the purpose for which, the meeting is to be held, and is made at least six days previous to the day of such meeting.

4 (3) Except in cases of urgency, no meeting shall be held unless notice of the day and time when the meeting is to be held and of the business to

Notice of
meeting and
business to be
issued.

¹ The words "a bank" were substituted for the words "any bank in or near the municipality" by Mad. Act III of 1897, s. 22 (1).

² These words were substituted for the words "by any two of the Municipal Councillors" by Mad. Act III of 1897, s. 22 (2).

³ This proviso was added by Mad. Act III of 1897, s. 22 (2).

⁴ Sub-ss. (2), (3) and (4) were substituted for the original sub-s. (2) by Mad. Act III of 1897, s. 23. *Infra* p. 234.

be transacted thereat has been given at least three clear days previous to the day fixed for the meeting.

Meetings to
be public.

¹ (4) All meetings of the Municipal Council shall be open to the public : Provided that the presiding member may, in any particular case, for reasons to be recorded in the minute-book kept under section 31, direct that the public generally, or any particular person, shall withdraw.

Who to
preside at
meetings.

30. (1) At every meeting of the Municipal Council the Chairman [² or in his absence the Vice-Chairman] shall preside. In the absence from any meeting [³ of both the Chairman and Vice-Chairman,] the Municipal Councillors present at the meeting shall choose some one of their number to preside thereat.

Decision by
majority.

(2) All questions which may come before the Municipal Council at any meeting shall be decided by a majority and, in every case of equality of votes, * * * ⁴ the presiding Municipal Councillor shall have a second or casting vote.

Casting vote.
Interested
Councillor
not to vote.

⁶ (3) No Municipal Councillor shall vote on any question coming before the Council for consideration in which (otherwise than in its general application to all persons and properties within the municipality) he has any pecuniary interest.

Certain
officers may
address
Council.

⁶ (4) [⁷ The Sanitary Commissioner, the Sanitary Engineer], the Civil Surgeon of the District, the Executive Engineer of the Division, [⁸ the Inspector or the Assistant Inspector of Schools], when such officer is not a Municipal Councillor, may, with the previous sanction of the Chairman, * *⁹ address the Council on any matter affecting * *⁹ sanitation, public works and public instruction.

Quorum.

⁶ (5) ¹⁰ No business shall be transacted at a meeting unless there be present at least four Municipal Councillors or, if the number of Municipal Councillors then on the Council exceeds twelve, at least one-third of that number.

See fourth footnote on preceding page.

² These words were inserted by Mad. Act III of 1897, s. 24 (1).

³ These words were substituted for the words "of the Chairman" by Mad. Act III of 1897, s. 24 (1).

⁴ The words the "Chairman or" were repealed by Mad. Act III of 1897, s. 24 (2).

⁵ This sub-section was inserted by Mad. Act III of 1897, s. 24 (3).

⁶ These sub-sections were re-numbered as they now stand by s. 24 (3) of Mad. Act III of 1897.

⁷ These words were inserted by Mad. Act III of 1897, s. 24 (4).

⁸ These words were substituted for the words "and the Inspector of Schools of the circle" by Mad. Act III of 1897, s. 24 (4).

⁹ The words "attend any meeting of the Municipal Council and" and the word "respectively" were omitted by Mad. Act III of 1897, s. 24 (4).

¹⁰ This sub-section was substituted for sub-s. (5) as re-numbered by Mad. Act III of 1897, s. 24 (5).

If, within half an hour after the time appointed for a meeting, a quorum is not present, the meeting shall stand adjourned, unless all the members present agree to wait longer.

¹ (6) No resolution of the Municipal Council shall be modified or cancelled within three months after the passing thereof except [²at a meeting specially convened in that behalf and] by a resolution of the Municipal Council supported by [³the votes of not less than one-half of the sanctioned number of Municipal Councillors].

Modification,
etc., of
resolutions.

31. (1) [⁴Minutes of the proceedings at each meeting of the Municipal Council] shall be drawn up and entered in a book to be kept for that purpose; and shall be signed by the Chairman or the Municipal Councillor who presided at such meeting, or, in his absence, by some one of the Municipal Councillors present thereat; and the said Minutes shall, at all reasonable times and without charge, be open at the municipal office to the inspection of any person who pays any tax under this Act in the municipality.

Minutes of
proceedings
to be kept,
and to be
open for
inspection.

(2) Within three days of the date of the meeting, a copy of the minutes of the [⁵proceedings at] such meeting shall be forwarded by the [⁶Chairman] to the Revenue-officer in charge of the division of the district wherein the municipality is situated, for publication, at the cost of the municipal fund, in the District Gazette, in English and in a Vernacular language of the district: [⁷Provided that the Chairman shall immediately submit to the said Revenue-officer any minute of dissent that may be forwarded to him within forty-eight hours of the meeting by any Councillor].

Minutes to
be sent to
Divisional
Officer for
publication.

[⁸(3) The Chairman shall have the custody of the proceedings and records of the Municipal Council and may grant copies of any such proceedings and records on payment of such fees as the Municipal Council may, by general or special order, prescribe. Copies granted under this sub-section shall be certified by the Chairman as provided in section 76 of the Indian Evidence Act, 1872,⁹ and copies so certified may be used to prove the records of the Municipal Council in the same manner as they may, under sub-section

Certified
copies of pro-
ceedings and
records.

I of 1872.

¹ See sixth footnote on preceding page.

² These words were inserted by Mad. Act III of 1897, s. 24 (6).

³ These words were substituted for the last twelve original words of the section by Mad. Act III of 1897, s. 24 (6).

⁴ These words were substituted for the first twelve original words of the section by Mad. Act III of 1897, s. 25 (1).

⁵ These words were substituted for the words "resolutions of" by Mad. Act III of 1897, s. 25 (2).

⁶ The word "Chairman" was substituted for the words "Municipal Council" by Mad. Act III of 1897, s. 25 (3).

⁷ This proviso was added by Mad. Act III of 1897, s. 25 (2).

⁸ This sub-section was inserted by Mad. Act III of 1897, s. 25 (3).

⁹ See the revised edition of the Act as modified up to 1st April, 1899.

(5) of section 78 of the said Act, be used to prove the proceedings of that body.]

The Chairman to carry out the resolutions of the Municipal Council.

Chairman to furnish progress reports.

Delegation of powers by Chairman to Vice-Chairman.

32. (1) The resolutions of the Municipal Council shall be carried into effect by the Chairman, in whom the entire executive power of the Municipal Council shall be vested, and who shall be directly responsible for the due fulfilment of the purposes of this Act.

¹ (2) The Chairman shall furnish to the Municipal Council such monthly reports regarding the progress made in carrying out the resolutions of that body and in the collection of taxes as the Municipal Council may prescribe.

² (3) The Chairman may, from time to time, authorize the Vice-Chairman, by an order in writing, to exercise any of the powers conferred, or to perform any of the duties imposed, on the Chairman by this Act, and may at any time, in like manner, modify or cancel such order :

Provided that—

(i) he shall not delegate any powers or duties to the Vice-Chairman which the Municipal Council expressly prohibits him from delegating ;

(ii) the delegation of powers or duties under this sub-section shall not relieve the Chairman of any responsibility imposed upon him by this Act.

Delegation of powers by Chairman to a Municipal Councillor.

² (4) Where there is no Vice-Chairman the Chairman may, with the previous consent of the Municipal Council, from time to time authorize, by an order in writing, any Municipal Councillor whom he may select to exercise any of the powers conferred, or to perform any of the duties imposed, on such Chairman by this Act, and may, at any time, in like manner, modify or cancel such order :

Provided that—

(i) the Chairman may not delegate his powers or duties under this sub-section for any period or periods exceeding, in the aggregate, three months in any one financial year ;

(ii) the delegation of powers or duties under this sub-section shall not relieve the Chairman of any responsibility imposed upon him by this Act ; and

(iii) every order made by the Chairman under this sub-section shall be communicated at once to the District Collector and to the Revenue-officer in charge of the division.

¹ This sub-section was inserted by Mad. Act III of 1897, s. 26 (1).

² Sub-ss. (3) and (4) were substituted for the sub-section originally numbered (2) by Mad. Act III of 1897, s. 26 (2).

(Chap. II.—3. Mode of transacting Business. Secs. 32A-33.)

A Municipal Councillor authorized under this sub-section to exercise any of the powers or to perform any of the duties of the Chairman shall, for the period during which he exercises such powers or performs such duties, be styled the "Chairman delegate."

¹ (5) It shall not be lawful for the Chairman to exercise any power **Exception.** which, according to this Act, shall be exercised by the Municipal Council * * *.

² **32A.** Notwithstanding anything contained in sub-section (5) of section 32, it shall be lawful for the Chairman in cases of emergency to direct the execution of any work or the doing of any act which the Municipal Council is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public, and to direct that the expense of executing such work or doing such act incurred as the emergency may require shall be paid from the municipal fund :

Chairman's powers in emergencies.

Provided that—

- (i) he shall not act under this section in contravention of any order of the Municipal Council prohibiting the execution of any particular work or the doing of any particular act, and
- (ii) every direction given under this section shall be reported at the next following meeting of the Municipal Council.

33. (1) If at any time it appears to the Collector of the district that [the Chairman] has made default in carrying out any resolution of the Municipal Council, the Collector, [after giving the Chairman a reasonable opportunity of explanation,] may by notice in writing require [the Chairman] to carry out such resolution within a reasonable time to be specified in such notice, and he may, if [the Chairman] omits to comply with such notice, assume the execution of such resolution and pass all necessary orders accordingly.

Execution of resolution on neglect of Chairman.

(2) Any Collector taking action under this section shall, in a memorandum, record his reasons for such action, and shall forthwith forward such memorandum to the Municipal Council for their information, and shall at

¹ This sub-section was re-numbered as sub-s. (5) by Mad. Act III of 1897, s. 26 (2).

² The words "at a meeting" are here omitted in accordance with s. 3 (2) of Mad. Act III of 1897.

³ S. 32A was inserted by Mad. Act III of 1897, s. 27.

These words were substituted for the words "any Chairman" by Mad. Act III of 1897, s. 28 (1).

⁵ These words were inserted by Mad. Act III of 1897, s. 28 (1).

⁶ These words were substituted for the words "such Chairman" by Mad. Act III of 1897, s. 28 (1).

(Chap. II.—3. Mode of transacting Business. Secs. 34-35.)

the same time forward a copy thereof, [¹together with the explanation of the Chairman, if any.] to the Governor in Council, who may pass such orders thereon as he may deem fit.

Control by
Collector.

34. (1) The Collector of the district wherein any municipality is situated may—

- (i) enter on and inspect, or cause to be entered on and inspected, any immoveable property or any work in progress under the control of any Municipal Council;
- (ii) call for and inspect any document in the possession or under the control of any Municipal Council;
- (iii) require such Municipal Council to furnish such statements, accounts, reports and copies of documents relating to their proceedings or duties as he may think fit to call for; and
- (iv) record in writing, for the consideration of any Municipal Council, any observations he may think proper in regard to their proceedings or duties.

Delegation
of powers of
Collector to
other public
officers.

(2) The Governor in Council may, by notification, from time to time, authorize any public officer to exercise any one or more of the powers of a Collector under [²sub-section (1)], and may, in like manner, at any time modify or withdraw such authority. [³The Collector of the district also may, by a special order in writing in each case, direct the Revenue-officer in charge of the division to exercise any of the powers referred to in clauses (i), (ii) and (iii) of sub-section (1).]

Power to
suspend
action under
Act.

35. ⁴(1) The Governor in Council or the Collector of the district may, by order in writing, suspend the execution of any resolution of any Municipal Council, or of any order issued by any Municipal Council or Chairman, or cancel such resolution or order, or suspend or cancel any license or permission granted by any Municipal Council or Chairman, and may prohibit the doing of any act which is about to be done or is being done in pursuance of or under the colour of this Act if, in his opinion, such resolution has not been legally carried or such resolution, order or act or the grant of such license or permission is in excess of the powers conferred by law, or the execution of such resolution or order or the doing of such act or the continuance in force of

¹ These words were inserted by Mad. Act III of 1897, s. 28 (2).

² This word and figure were substituted for the words "this section" by Mad. Act III of 1897, s. 29.

³ These words were added by Mad. Act III of 1897, s. 29.

⁴ This sub-section was substituted for the original sub-s. (1) by Mad. Act III of 1897, s. 30 (1).

(Chap. II.—3. Mode of Transacting Business. Secs. 36-37.)

such license or permission is likely to cause obstruction, injury or annoyance to any person lawfully employed, or danger to human life, health or safety, or is likely to lead to a riot or an affray.

(2) When the Collector makes any order under this section, he shall forthwith forward a copy thereof, with a statement of his reasons for making it, to the Governor in Council and the Municipal Council. The Governor in Council may thereupon rescind the order or, [after giving the Municipal Council a reasonable opportunity of explanation,] direct that it continue in force with or without modification, permanently or for such period as he thinks fit.

Collector shall forward copy of order to Governor in Council and Municipal Council.

36. (1) In cases of emergency, [²the Collector of the district or the Revenue-officer in charge of the division] may provide for the execution of any work, or the doing of any act, which the Municipal Council [³or the Chairman] is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be paid by the Municipal Council.

Extraordinary powers of the Collector and the Revenue-officer in charge of a division of a district in cases of emergency.

(2) If the expense is not so paid, such [⁴Collector or] Revenue-officer may make an order directing the person having the custody of the municipal fund to pay the same in priority to any other charges against such fund. Such person shall, so far as the funds to the credit of the municipality admit, be bound to comply with such order.

Expense may be recovered from municipal fund.

⁵(3) Every case in which the powers conferred by this section are exercised shall be forthwith reported to the Governor in Council by the Collector or, through the Collector, by the Revenue-officer in charge of the division, as the case may be, with the reasons in full for the exercise of such powers; and a copy of the letter shall at the same time be sent to the Municipal Council for information.

Report to be made to Governor in Council.

37. (1) If at any time it appears to the Governor in Council that a Municipal Council [⁶or a Chairman] has made default in performing any duty imposed * *⁷ by or under this or any other Act, the Governor in

Powers of Governor in Council in case of default of

¹ These words were inserted by Mad. Act III of 1897, s. 30 (2).

² These words were substituted for the original words "the Revenue-officer in charge of the division of a district in which any municipality is situated" by Mad. Act III of 1897, s. 31 (1).

³ These words were inserted by Mad. Act III of 1897, s. 31 (1).

⁴ These words were inserted by Mad. Act III of 1897, s. 31 (2).

⁵ This sub-section was substituted for the original sub-sec (3) by Mad. Act III of 1897, s. 31 (3).

⁶ These words were inserted by Mad. Act III of 1897, s. 32 (1).

⁷ The words "on it" were repealed by Mad. Act III of 1897, s. 32 (1).

(Chap. II. — 3. Mode of transacting business. Sec. 38. 4. Municipal Servants. Sec. 39.)

Municipal Council or Chairman. Governor in Council may appoint person to perform duty.

Expense may be recovered from municipal fund.

Rules as to conduct of business.

Council may, by order in writing, fix a period for the performance of such duty.

(2) If such duty is not performed within the period so fixed, the Governor in Council may appoint some person to perform it, and may direct that the expense of performing it shall be paid, within such time as he may fix, to such person by the Municipal Council.

(3) If the expense be not so paid, the Collector of the district, with the previous sanction of the Governor in Council, may make an order directing the person having the custody of the municipal fund to pay the same in priority to any other charges against such fund [except charges for the service of authorized loans]. Such person shall, so far as the funds to the credit of the municipality admit, be bound to comply with such order.

38. (1) Every Municipal Council * * * may, from time to time, make rules consistent with this Act and with any rules framed by the Governor in Council, in regard to the following matters :—

- (i) the time and place of their meetings ;
- (ii) the manner in which notice thereof shall be given ;
- (iii) the conduct of proceedings at meetings ;
- (iv) the division of duties among the members of the Municipal Council ;
- (v) the appointment and procedure of committees consisting wholly of a certain number of Municipal Councillors, or partly of such Municipal Councillors and partly of other inhabitants of the municipality, for the superintendence and management of educational institutions, hospitals, dispensaries, choultries or other institutions maintained by the Municipal Council ;
- (vi) the persons by whom receipts may be granted for money paid to the Municipal Council ; and
- (vii) all other similar matters.

[³(2) No rule made under this section shall take effect until it has been published in the manner prescribed by the Governor in Council.]

4. MUNICIPAL SERVANTS.

The Municipal Council

39. The Municipal Council shall at their first meeting, and may from

¹ These words were inserted by Mad. Act III of 1897, s. 32 (2).

² The words " at a meeting " were omitted in accordance with s. 3 (2) of Mad. Act III of 1897.

³ This sub-section was inserted by Mad. Act III of 1897, s. 33 Printed, *infra* p 987.

(Chap. II.—4. Municipal Servants. Sec. 39A.)

time to time thereafter, * *¹ fix the number and salaries of all such permanent servants as they may think necessary and proper to assist in carrying out the purposes of this Act, and shall submit a statement of their proposals for the sanction of the Governor in Council in such form as he may from time to time prescribe, and he shall pass such orders thereon as he may deem fit.

to fix the number and salaries of their permanent servants with the sanction of the Governor in Council.

* * * * *

‘39A.’ (1) Subject to the approval of the Governor in Council,⁴ every Municipal Council may, at a meeting specially held for the purpose, appoint a person to be their Secretary, and may at a like meeting, and subject to the like approval, remove any person so appointed, and shall remove such person if at any time required by the Governor in Council to do so.

Every Municipal Council may appoint a Secretary, subject to approval of Governor in Council. Certain Municipal Councils shall appoint a Secretary unless Governor in Council otherwise directs.

(2) Unless the Governor in Council otherwise directs, every Municipal Council which has during three consecutive financial years realized an average annual income of Rs. 30,000 excluding extraordinary items of receipt shall in the next succeeding financial year appoint a Secretary.

For the purposes of this section the Governor in Council may declare what are extraordinary items of receipts.

(3) (a) The person so appointed shall, if he be a member of the Municipal Council at the time of such appointment, cease to be such when he accepts the appointment and enters upon his duties as such Secretary.

Duties and powers of Secretary.

(b) The Municipal Council shall, with the previous sanction of the Governor in Council, assign to the Secretary such salary as the Municipal Council may think fit.

(c) Every Secretary appointed under this section shall devote his full time to the service of the Municipal Council, and shall not engage in any trade or other occupation.

(d) Subject to the approval of the Governor in Council, the Chairman shall delegate to the Secretary his powers under section 42 as regards the servants of the Municipal Council employed in the municipal office and in the collection of the municipal revenues, and such of his other powers, excepting those relating to the conduct of proceedings in meetings, as the Municipal Council may determine.

¹ The words “at a meeting” were omitted in accordance with s. 3 (2) of Mad. Act III of 1897.

² The proviso to this section was repealed by Mad. Act III of 1897, s. 3 (1).

³ S. 39A was inserted by Mad. Act III of 1897, s. 34.

⁴ For rules under this section and section 250 (1) (n) for the election of Secretaries to Municipal Councils, see Fort. St. George Gazette, 1901, Pt. 1, p. 29.

Provided that—

(i) when the Chairman has so delegated any or all of his powers he shall cease to exercise them himself ;

(ii) powers once delegated to the Secretary shall not be withdrawn without the sanction of Government.

Government servants employed by Municipal Council.

40. (1) The Governor in Council may, on the application of any Municipal Council, place the services of any Government servant at their disposal to be employed by them for the purposes of this Act. The Municipal Council shall pay any Government servant so employed the salary he may be entitled to receive under the rules of the branch of the Government service to which he belongs, and shall also pay the Governor in Council such contribution towards the pension of such servant as may be payable under the rules in that behalf in force for the time being.

Contribution by Government towards pay of municipal servants.

(2) If such servant, while employed under the Municipal Council, or if any other servant of the Municipal Council, does any work for Government, the Governor in Council shall contribute to the Municipal Council so much of the salary of such servant as the Governor in Council may consider to be an equivalent for such work.

Dismissal of Government servants employed by Councils.

(3) No Government servant employed by the Municipal Council under this section shall be dismissed from such employment without the consent of the Governor in Council or until three months' notice in writing to that effect shall have been given to the chief controlling authority of the branch of the Government service to which such servant belongs.

Withdrawal of such servants.

(4) No Government servant employed under the Municipal Council shall, except in cases of emergency, be withdrawn from the service of the Municipal Council, without their consent, unless and until the Governor in Council shall have given three months' notice in writing to that effect to the Municipal Council [or unless some other Government servant has been deputed to replace the one withdrawn].

Privileges of Government servants in municipal employ
Municipal servants, etc., public servants under Indian Penal Code.

² [(5) Government servants employed under Municipal Councils shall be entitled to leave and other privileges in accordance with the regulations applicable to the department of the general administration to which they belong.]

41. Every municipal servant, every contractor or agent to whom the collection of any tax, toll or other sum due to the Municipal Council is entrusted, and every person engaged in the collection of such tax, toll or sum, shall be deemed to be a public servant within the meaning of the Indian Penal Code.³

¹ These words were added by Mad. Act III of 1897, s. 35 (1).

² This sub-section was added by Mad. Act III of 1897, s. 35 (2).

³ Printed, General Acts, Vol. 1, p. 240.

(Chap. II.—4. Municipal Servants. Secs. 42-43.)

42. (1) The Chairman shall, subject to such rules as the Governor in Council may prescribe, appoint such permanent servants as shall have been provided for in the manner aforesaid * * * *,¹ and shall pay such permanent * *¹ servants from the municipal fund the salaries that may be fixed for them in the manner aforesaid * *¹.

The Chairman to appoint servants subject to rules prescribed by the Governor in Council.

² (2) The Chairman may also in cases of emergency appoint such temporary servants as in his opinion may be required for the purposes of this Act, and may direct that the salaries of such temporary servants fixed as the emergency may require shall be paid from the municipal fund :

Appointment of temporary servants in cases of emergency.

Provided that—

(i) he shall not act under this section in contravention of any order of the Municipal Council prohibiting the employment of temporary servants for any particular work, and

(ii) every appointment made under this sub-section shall be reported at the next following meeting of the Municipal Council.

³ (3) The Chairman may, subject to the provision in section 40, sub-section (3), and to such control as may, from time to time, be prescribed by the Governor in Council, fine, suspend, [⁴reduce] or dismiss any of such [⁵servants], and appoint others in their stead.

The Chairman may punish servants.

43. The Municipal Council * * *⁶ may, from time to time, make rules consistent with this Act and with any rules framed by the Governor in Council as to the following matters in respect of their servants :—

Rules as to securities, pensions, etc.

(i) the servants who shall furnish security for the due performance of their duties ;

(ii) the amount of such security ;

(iii) the grant of leave to servants and the allowances to be paid to persons acting for such servants ;

(iv) the period of service of all servants ;

(v) the conditions under which such servants, or any of them, shall on retirement, receive pensions, gratuities or compassionate allowances ;

¹ Words repealed by Mad. Act III of 1897, s. 36 (1), are omitted.

² This sub-section was inserted by Mad. Act III of 1897, s. 36 (2).

³ This sub-section has been re-numbered as sub-s. (3) by Mad. Act III of 1897, s. 36 (2).

⁴ The word "reduce" was inserted by Mad. Act III of 1897, s. 36 (3).

⁵ The word "servants" was substituted for the word "persons" by Mad. Act III of 1897, s. 36 (3).

⁶ The words "at a meeting" were omitted in accordance with s. 3 (2) of Mad. Act III of 1897.

- (vi) the amount of such pensions, gratuities or compassionate allowances (if any);
- (vii) the establishment of a pension or provident fund by such servants; and
- (viii) the rates at which, and the conditions under which, contributions shall be paid from the municipal fund towards such pension or provident fund.

[¹ Provided that no rules as to the matters mentioned in clauses (iii), (v) (vi), (vii) and (viii) shall be valid until they have been confirmed by the Governor in Council.]

5. MUNICIPAL CONTRACTS.

Delegation of authority to contract.

44. (1) A Municipal Council may delegate to [²the Chairman or a Committee consisting of two], or more of its members the power of making, on its behalf, any contract whereof the value or amount does not exceed Rs. 200.

Certain contracts to be sanctioned by the Municipal Council.

(2) In respect of a contract whereof the value or amount exceeds Rs. 200 the sanction of the Municipal Council for the making thereof shall be obtained * * * before the same is made.

Contractual powers of persons appointed by Government.

* (3) Notwithstanding anything in the two preceding sub-sections, any person appointed by the Governor in Council to carry any work into execution on behalf of a Municipal Council may, subject to such control as the Governor in Council may prescribe, make such contracts as are necessary for the purpose of carrying such work into execution, to the extent of the sum provided for such work; and the Municipal Council shall pay to the person so appointed such sums as may be required for the said purpose, to the extent aforesaid.

Mode of executing contracts.

45. (1) Every contract made by, or on behalf of, a Municipal Council, whereof the value or amount exceeds Rs. [£100] shall be in writing, and [except in the case of contracts made under the provisions of sub-section (3) of section 44,] shall be signed by two Municipal Councillors, one of whom shall be the Chairman [or Vice-Chairman].

Contract made otherwise not binding.

(2) A contract executed or made otherwise than in conformity with the provisions of this and the last preceding section shall not be binding on the Municipal Council.

¹ This proviso was added by Mad. Act III of 1897, s. 37.

² The original word "one" was repealed and these words were inserted instead by Mad. Act III of 1897, s. 38 (1).

³ The words "at a meeting" were omitted in accordance with s. 3 (2) of Mad. Act III of 1897.

⁴ This sub-section was added by Mad. Act III of 1897, s. 38 (2).

⁵ The figures "100" were substituted for the original figures "200" by Mad. Act III of 1897, s. 39.

⁶ These words were inserted by Mad. Act III of 1897, s. 39.

⁷ The words "or Vice-Chairman" were added by Mad. Act III of 1897, s. 39.

(*Chap. II.—5. Municipal Contracts. Sec. 46. Chap. III.—Taxes and Tolls, and Mode of realizing them. Secs. 47-48.*)

46. No Municipal Councillor shall be personally liable in respect of any contract made, or for expense incurred, by or on behalf of the Municipal Council; but the funds from time to time in the hands of the Municipal Council shall be liable for, and chargeable with, all contracts and expenses duly made and incurred as aforesaid.

No Municipal Councillor to be personally liable for contracts.

CHAPTER III.

TAXES AND TOLLS, AND MODE OF REALIZING THEM.

47. The taxes and tolls which may be levied for the purposes of this Act are as follows:—

Levy of taxes and tolls.

- (i) a yearly tax on arts, professions, trades and callings, and on offices and appointments, at the rates specified in Schedule A;
- (ii) a yearly tax on buildings or lands or both, calculated as hereinafter provided;
- (iii) a yearly water and drainage tax on buildings or lands or both, calculated as hereinafter provided;
- (iv) a half-yearly tax on vehicles with springs, palanquins and animals, at rates not exceeding in any case those specified in Schedule B;
- (v) a half-yearly tax on carts and other vehicles without springs, at a rate not exceeding two rupees for each half-year in respect of every such vehicle;
- (vi) tolls on vehicles and animals entering the municipal limits, at rates not exceeding in any case those specified in Schedule D; and
- (vii) a monthly tax on private, menial and domestic male servants, at a rate not exceeding two rupees per mensem for each such servant.

Provided that the water and drainage tax shall be levied only to enable the Municipal Council to provide for expenses connected with the construction, maintenance, repair, extension or improvement of water or drainage works heretofore provided or hereafter to be provided, and that the proceeds of the said tax shall be solely devoted to defraying the said expenses:

Proviso as to levy of water and drainage tax.

Provided, further, that the tax on servants shall be levied in hill-stations, being municipalities, only.

Proviso as to levy of tax on servants. Municipal Council may raise funds.

48. The Municipal Council * * * may, from time to time, with the approval of the Governor in Council, determine to raise the funds required

¹ This section was substituted for the original s. 47 by Mad. Act III of 1897, s. 40.

² The words "at a meeting" were omitted in accordance with s. 3 (2) of Mad. Act III of 1897. Printed *infra* p. 982.

(Chap. III.—Taxes and Tolls, and Mode of realizing them. Secs. 49-52.)

from any of
above
sources.

Governor in
Council may
direct the
levy of taxes,

unless the
Municipal
Council show
cause to the
contrary,

and may
cancel or
modify such
direction.

Municipal
Council to
issue
notification
intimating
that tax, etc.,
will be
levied.
Tax, etc., to
be levied
until cancel-
lation of
notification.

Council may
exempt
persons
unable to
pay.

Chairman to
maintain
assessment-
books.
Council may
direct Chair-
man to

for the purposes of this Act from all, or any one or more of, the above sources, at a rate or rates not exceeding those specified in [this Act].

49. If, at any time, it seems advisable to the Governor in Council that the funds required for the purposes of this Act shall be raised in any municipality from all, or any one or more of, the above sources, the Governor in Council may direct the Municipal Council of such municipality to levy such taxes or tolls at any rate or rates, not exceeding the rates authorized by this Act, unless the Municipal Council shall show cause to the contrary within a month after the receipt of the order containing such direction. If the Municipal Council fail to show cause within the said time to the satisfaction of the Governor in Council, the taxes or tolls so directed to be levied shall be levied in such municipality as if the levy of the same had been determined by the Municipal Council with the approval of the Governor in Council: Provided that it shall be competent to the Governor in Council from time to time to cancel or modify such direction.

50. When the Municipal Council shall have determined, with the approval of the Governor in Council, to levy any tax or tolls, they shall at once issue a notification in the District Gazette and by beat of drum specifying the rate at which the tax or tolls are to be levied, and intimating to the inhabitants of the municipality that such tax or tolls will be levied from a date to be specified in the notification, and such tax or tolls shall be levied in the manner hereinafter provided until such time as the said notification shall be modified or cancelled.

* * * * *

51. The Municipal Council * *³ may exempt, in whole or in part, from the payment of any tax under this Act, any person [⁴who is, in their opinion unable,] by reason of poverty, to pay the same, and they may, in like manner exempt, with the approval of the Governor in Council, any class of persons.

52. (1) The Chairman shall prepare, and keep, separate assessment-books showing the persons and property liable to taxation under this Act.

(2) If, at any time, it appears to the Municipal Council that any person or property has been inadequately assessed or improperly omitted from the

¹ These words were substituted for the words "the last preceding section" by Mad. Act III of 1897, s. 41.

² The proviso to this section was repealed by Mad. Act III of 1897, s. 3 (1).

³ The words "at a meeting" were omitted in accordance with s. 3 (2) of Mad. Act III of 1897.

⁴ These words were substituted for the words "who has in their opinion become unable" by Mad. Act III of 1897, s. 42.

⁵ This section was substituted for the original s. 52 by Mad. Act III of 1897, s. 43.

(*Chap. III.—Taxes and Tolls, and Mode of realizing them. Secs. 52A-52B*

1. Tax on Arts, Professions, Trades and Callings. Sec. 53.)

assessment-books, they may direct the Chairman to amend the said books in such manner as they may deem just: Provided that no such direction shall be given unless the person concerned shall have been afforded a reasonable opportunity to show cause to the Municipal Council why the assessment-books should not be amended as proposed.

(3) The Municipal Council may at any time, for the purpose of deciding whether action should be taken under sub-section (2), appoint a Committee, consisting of the Chairman and not more than two other Municipal Councilors, to scrutinize the assessment-books.

¹ 52A. In the case of taxes payable by the Chairman of a Municipal Council, the original assessments shall be made by the Revenue-officer in charge of the division in which the municipality is situated, and appeals against such assessments shall lie to the Municipal Council.

¹ 52B. (1) The Chairman shall give to every person making payment of a tax a receipt therefor signed by him or by some person duly authorised by him in that behalf.

(2) Such receipt shall specify—

- (i) the date of the grant thereof;
- (ii) the name of the person to whom it is granted;
- (iii) the tax in respect of which the payment has been made;
- (iv) the period for which the payment has been made; and
- (v) the amount in respect of which it is granted.

1. TAX ON ARTS, PROFESSIONS, TRADES AND CALLINGS.

53. If the Municipal Council notify, under section 50, that a tax on arts professions, trades and callings and on offices or appointments shall be levied, every person who, within the municipality, exercises, after the date specified in the said notification, any one or more of the arts, professions, trades or callings, or holds any one or more of the offices or appointments, specified in Schedule A, shall, subject to the provisions of section 59, pay in respect thereof the sum specified in the said schedule as payable by persons of the class in which such person is placed.

² *Explanation.*—A person in receipt of a pension paid from any source shall be deemed to be a person holding an office or appointment within the meaning of this section.

¹ Ss. 52A and 52B were inserted by Mad. Act III of 1897, s. 44.

² This explanation was added by Mad. Act III of 1897, s. 45. Printed, *infra* p. 988.

(Chap. III.—1. Tax on Arts, Professions, Trades and Callings. Secs. 54-60.)

Chairman to decide class.

54. (1) The Chairman shall decide in which of the said classes such person ought to be placed.

Chairman may revise.

(2) The Chairman may from time to time revise such classification.

Tax to be paid half-yearly.

55. The sum payable under section 53 shall be paid in two equal instalments, one for each half of the year; the instalment payable in respect of each half of the year shall be payable by any person who has, for sixty days, reckoned consecutively or from time to time, in such half-year, exercised such art, profession, trade or calling, or held any such office or appointment, within, the Municipality.

Notice of non-payment.

56. If, in any half-year, any person exercises any such art, profession, trade or calling, or holds any such office or appointment, for sixty days without paying the sum due in respect of such half-year, the Chairman [¹shall] serve upon such person a notice to pay such sum within fifteen days from the date of such service.

57. [*Chairman to grant receipt.*] Rep. by Mad. Act III of 1897, s. 3 (1).

Every member of a firm or undivided Hindu family to be separately liable.

58. Every member of a firm or partnership, or of an undivided Hindu family, shall be personally and separately liable to the tax leviable under section 53.

Persons coming under several designations, how assessed.

59. A person who carries on more arts, professions, trades or callings or holds more offices or appointments than one, or comes under more than one of the designations or classes mentioned in Schedule A, shall be chargeable under any one of such designations or classes on his aggregate income from all such sources.

Extent of liability for profession-tax in more than one municipality.

60. If, in any half-year, any person exercises in more than one municipality any such art, profession, trade or calling or holds any such office or appointment, he shall be liable, subject to the provisions of section 55, to pay the tax leviable under section 53 in each of such municipalities

Provided that the tax payable in each such municipality shall be fixed with reference to the income derived from the business carried on or the appointment held therein :

Provided further that no person who shall prove that he has paid the sum due on account of the said tax for the same half-year in any other

¹ The word "shall" was substituted for the word "may" by Mad. Act III of 1897 s. 46.

² This section was substituted for the original s. 60 by Mad. Act III of 1897, s. 47.

(Chap. III.—1. Tax on Arts, Professions, Trades and Callings. Secs. 61-62.)

municipality shall be liable, by reason merely of change of business, appointment, residence or place of business, to pay more than the difference between such sum and the amount from which he claims exemption.

Illustration 1.—A, a Sub-Collector, is transferred in the middle of a half-year from Municipality X to Municipality Y, where he continues to hold the appointment of Sub-Collector on the same salary. If A, before leaving X, paid the tax for the half-year during which he was transferred, he is not liable to pay the tax again for the same half-year in Y.

Illustration 2.—A, a Sub-Collector, is transferred in the middle of a half-year from X to Y on promotion to the rank of a Collector. If A, before leaving X, paid the tax leviable on him as Sub-Collector for the half-year during which he was transferred, he is liable to pay in Y only the difference between the tax payable by a person in receipt of the salary of a Sub-Collector and that payable by a person in receipt of the salary of a Collector.

Illustration 3.—B has simultaneously a shop in X and a shop in Y. The former brings him in an income of Rs. 100 a month and the latter an income of Rs. 50 a month. B is liable to pay Rs. 2 per half-year in X and Re. 1 per half-year in Y.

Illustration 4.—B derives a monthly income of Rs. 100 from a shop in X. In the middle of a half-year, after paying the tax of Rs. 2 in X, he closes his shop in X and opens one in Y. If, during the sixty days following the opening of the new shop, B derives therefrom a monthly income of Rs. 200, he is liable (as indicated in Illustration 2) to pay in Y for the half-year in which his shop was opened a further sum of Rs. 2. If, however, B monthly income of less than Rs. 200 from the new shop during the said period of period of sixty days, he is not liable to pay in Y any tax for the said half-year.

61. The Chairman may, by notice, from time to time, require every owner or occupier of a building or of any land to forward to him, within a specified time, a list in writing, signed by him, of the names of all persons occupying such building or land and of their respective arts, professions, trades, callings, offices or appointments.

Power of Chairman to call on owners or occupiers for lists of persons liable to tax on arts, etc. Power of Chairmen to call on employers, etc., for similar lists.

¹ 62. The Chairman may, in like manner, require—

- (i) every employer of labour,
- (ii) every head or secretary of a public or private office or of a firm or company, and
- (iii) every secretary, owner or manager of a club, hotel or boarding-house or of residential chambers,

to forward to him, within a specified time, a list in writing, signed by such employer, head, secretary, owner or manager, of the names of all persons employed by him, or employed in such office, firm or company, or resident in such club, hotel, boarding-house or chambers, as the case may be, together with a statement of the respective salaries of the persons so employed,

¹ This section was substituted for the original s. 62 by Mad. Act III of 1897, s. 48.

and of the arts, professions, trades, callings, offices and appointments of the persons so resident. The Chairman may also, in like manner, require such employer, head, secretary, owner or manager to furnish such particulars relative to any Company of which he is the agent as may be required by the Chairman for the purposes of this Act.

2. TAXES ON BUILDINGS AND LANDS.

Taxes on
buildings and
lands.

Exceptions.

Rates at
which said
taxes may be
levied.

In certain
cases rate
may be fixed
with refer-
ence to area.

In such cases
no tax to be
levied on
huts.

Property
valued
at six rupees
a year and
under
exempted.

¹ 63. (1) If the Municipal Council notify, under section 50, that a tax shall be levied on buildings or lands or both in the municipality, the Chairman shall impose such tax on all buildings or lands, or both, excepting (a) light-houses, piers, wharves, jetties, choultries, hospitals, dispensaries and other buildings or lands, to the extent to which they are used for public, charitable or religious, but not residential purposes, (b) burial and burning grounds, and (c) buildings or lands belonging to the Municipal Council.

(2) Except as provided in sub-section (3) of this section and in section 63A, the said tax shall be levied at such rate or rates, not exceeding in any case eight and-a-half per centum on the annual value of the buildings or lands or both upon which it is imposed, as the Municipal Council may have notified under section 50.

(3) In the case of—

(a) lands not occupied by buildings and not appurtenant to any building or attached thereto for use therewith as a garden or pleasure-ground or for the pasturage of animals kept for private use, and

(b) lands occupied by native huts,

the Chairman may, subject to the approval of the Municipal Council and the sanction of the Governor in Council, impose a tax on such lands at an annual rate, not exceeding four annas for every eighty square yards thereof, in lieu of the tax referred to in sub-section (2) :

Provided that no tax shall be levied under this sub-section upon land used solely for agricultural purposes.

(4) When lands occupied by native huts are taxed in accordance with the provisions of sub-section (3), no tax shall be imposed under this section upon the huts standing thereon.

(5) The Chairman shall exempt from tax under sub-section (2) any building or land the annual value whereof is not more than six rupees, if it be the owner's sole property liable to tax under this section.

¹ This section was substituted for the original s. 63 by Mad. Act III of 1897, s. 49.

(Chap. III.—2. Taxes on Buildings and Lands. Secs. 63A-66.)

¹ 63A. With the sanction of the Governor in Council, the Municipal Council may substitute, in any portion of the municipality, for the tax leviable on buildings at a percentage on their annual value, a rate calculated according to the area covered by such buildings. This rate shall be determined by the Municipal Council with the approval of the Governor in Council and may vary with reference to the situation and description of the buildings.

Levy of tax on buildings at rate calculated on area covered.

² 64. (1) The tax imposed upon buildings or lands under sections 63 and 63A shall be payable by the owners thereof in two equal half-yearly instalments.

Tax payable in half-yearly instalments.

(2) Subject to the provisions of sub-section (1) of section 73, the instalment for each half-year shall be payable within thirty days after the commencement of that half-year, unless a revision petition has been presented to the Chairman as hereinafter provided, in which case the payment may be postponed until fifteen days after the disposal of such petition.

Instalments when due.

65. (1) The gross annual rent at which a building or land might reasonably be expected to let from month to month or from year to year shall, for the purposes of assessment under this Act, be deemed to be the annual value of such building or land.

Annual value of buildings and lands how to be ascertained.

(2) The value of a building or land so estimated shall not include the value of any furniture or machinery therein or thereon.

Value not to include furniture or machinery.

* * * * *

³ 66. (1) When the Municipal Council has notified that a tax shall be levied under section 63 or 63A, the Chairman shall assess the amounts payable in respect of all property liable to the tax. The assessment-books shall show in distinct columns, in respect of all property assessed to the tax,—

Chairman to assess amounts payable and enter certain particulars in assessment-books.

- (i) the name of the owner thereof;
- (ii) the name of the occupier thereof;
- (iii) the designation thereof, if any;
- (iv) the name of the division and street, if any, in which it is situated and any survey or other number which it bears;
- (v) the annual value thereof, or the area thereof, or the area and description thereof, as the case may be; and
- (vi) the amount of tax assessed thereon.

¹ S. 63A was inserted by Mad. Act III of 1897, s. 50. Printed, *infra* p. 988.

² This section was substituted for the original s. 64 by Mad. Act III of 1897, s. 51.

³ Sub-s. (3) of this section was repealed by Mad. Act III of 1897, s. 3 (1).

⁴ This section was substituted for the original s. 66 by Mad. Act III of 1897, s. 52.

(Chap. III.—2. Taxes on Buildings and Lands. Secs. 67-69B.)

Periodical
and
occasional
revision of
assessment
books.

Date from
which
assessments
and revisions
to have
effect.

(2) The assessment-books shall be completely revised by the Chairman at least once in every five years, and the Chairman may amend them at any time by inserting therein, or removing therefrom, any property or by altering the amount of tax leviable in respect of any property.

(3) Every general assessment under sub-section (1)^f and every general revision of the assessment-books and every amendment thereof under sub-section (2) shall, subject to the provisions of section 73, have effect from the beginning of the financial year following that in which it is made.

67. [*Present assessments to be taken as made under this Act.*] *Rep. by Mad. Act III of 1897, s. 3 (1).*

Owner or
occupier to be
designated
as such if
name
unknown.

68. When the name of the owner or occupier is not known, it shall be sufficient to designate him in the said books, and in any notice or other proceeding under this Act, as the "owner" or the "occupier" of the property on which the tax is assessed, without further description.

Date on
which
revision
petitions will
be heard to
be notified in
certain cases.

69. When assessment-books have been for the first time prepared, and whenever they have undergone a general revision, the Chairman shall, before the close of the financial year in which the said books have been so prepared or revised, notify by beat of drum and by a notice published in the District Gazette that, on a specified date, not being less than thirty days from the date of the later of such notifications, he will be prepared to consider revision petitions presented to him within the said period of thirty days.

Special
notice of
date for
hearing
revision
petitions to
be given in
certain cases.

69A. (1) In every case in which property is for the first time assessed and in every case in which the tax payable in respect of property is increased otherwise than in consequence of a general enhancement in the rate at which the tax is leviable, the Chairman shall intimate by special notice to the owner or occupier of such property that he will be prepared to consider any revision petition which may be presented to him in respect of such assessment or increase within thirty days after the date of service of the said notice. In the case of an increase of tax, the special notice shall further contain a brief statement of the reasons therefor.

Exception.

(2) Nothing contained in this section shall apply to persons affected by a direction given by the Municipal Council under sub-section (2) of section 52.

Petitions
for revision
on certain

69B. Any person may at any time, not being less than thirty days before the end of a financial year, move the Chairman by revision petition

¹ Ss. 69 to 69D were substituted for the original s. 69 by Mal. Act III of 1897, s. 53.

to reduce the tax to which he is liable for the forthcoming financial year, on the ground that the annual value of the property in respect of which the tax is imposed has decreased since the general assessment or last general revision of the assessment-books.

grounds
may be
made at
any time.

69C. When a revision petition is presented to the Chairman, the Chairman shall, unless the date upon which petitions will be considered has already been publicly notified under section 69, intimate to the petitioner the date upon which his petition will be considered, and no petition shall be disposed of unless the petitioner has been given a reasonable opportunity to appear, either in person or by authorized agent, and to represent his case.

Petitioners
to have
reasonable
opportunity
to represent
case.

¹ 69D. (1) Immediately after the disposal of a revision petition, the Chairman shall inform the petitioner or his authorized agent, either orally or in writing, of the orders passed thereon, and shall direct him to pay the amount fixed on revision within fifteen days.

Disposal of
revision
petitions.

(2) The assessment-books shall be corrected with reference to the Chairman's orders in revision, and such correction shall not be deemed to be an amendment within the meaning of sub-section (3) of section 66.

70, 71. [*Persons to be allowed to inspect assessment-books; amendment of assessment-books.*] *Rep. by Mad. Act III of 1897, s. 3 (1).*

² 72. (1) If any building has been vacant for not less than sixty consecutive days in a half-year, the Chairman shall, on demand by the owner, refund so much, not exceeding one-half, of the tax paid for that half-year as is proportionate to the number of days during which such building has been vacant.

Refund on
account of
vacant
buildings.

(2) Every demand for a refund under this section shall be made during the half-year in respect of which the refund is sought or in the following half-year, and not afterwards; and no person shall be entitled to such refund unless he, at or about the time that the building became vacant, gave notice of such vacancy to the Chairman.

73. (1) When any building is built, rebuilt or enlarged, the owner shall give notice thereof to the Chairman within fifteen days from the date of completion of such building, rebuilding or enlargement, or from the date of occupation of such building, whichever date happens first. [The Chairman shall, on receipt of the said notice, assess the tax leviable in respect of the building, and the instalment for the half-year in which the assessment is

Notice to
be given
of buildings
newly built
or rebuilt

Procedure
after receipt

¹ See footnote on preceding page.

² This section was substituted for the original section by Mad. Act III of 1897 s. 54.

³ These words were added by Mad. Act III of 1897, s. 55 (1). Printed *intra* p. 989.

by Chair-
man of
notice.

made shall be payable within thirty days after the date of service of the notice issued under section 69A, or within fifteen days after the disposal under section 69C of any revision petition which may be presented: Provided that, if such date of completion or occupation falls within the last two months of a half-year, no tax or enhanced tax, as the case may be, shall be levied in respect of the building for that half-year.]

Remission
or refund
when
building
destroyed.

[¹ (2) When any building is completely demolished or destroyed, the owner thereof may give notice to the Chairman of such demolition or destruction; and, until such notice is given, such owner shall be liable, at the discretion of the Chairman, to payment of all taxes which would have been leviable had such building not been demolished or destroyed. If the said notice is given within the first two months of a half-year, no tax shall thereafter be levied in respect of the building, and any tax which may have been levied for that half-year shall be refunded.]

74. [*New assessment-books need not to be prepared every year.*] Rep. by Mad. Act III of 1897, s. 3 (1).

3. WATER AND DRAINAGE TAX.

Levy of
water and
drainage
tax

75. ² (1) If the Municipal Council notify, under section 50, that a water and drainage tax shall be levied on buildings or lands or both, at a percentage on their annual value, such tax shall be levied at the rate or rates so notified but not exceeding in any case eight per centum on the annual value of the buildings or lands or both upon which the tax is imposed. All the provision of sections 63, 63A, 64, 65, 66, 68, 69, 69A, 69B, 69C, 69D, 72 and 73 shall, *mutatis mutandis*, apply to the water and drainage tax: Provided that no such tax shall be levied upon any land exclusively used for agricultural purposes and not deriving any benefit from the water or drainage works on account of which the tax is imposed.

Power to
exempt any
part of a
municipality
from water-
tax.

(2) The Governor in Council may, from time to time, by notification exempt any part of a municipality from the payment of the water-tax or any part thereof, and may also in like manner, from time to time, cancel such exemption.

76. [*Water may be cut off on neglect to pay tax and expense recovered.*] Rep. by Mad. Act III of 1897, s. 3. (1).

¹ This sub-section was substituted for the original sub-section by Mad. Act III of 1897, s. 55 (2).

² This sub-section was substituted for the original sub-s. (1) by Mad. Act III of 1897, s. 56.

(Chap. III.—4. *Tax on Vehicles with Springs, Palanquins and Animals.*
Secs. 77-78.)

4. TAX ON VEHICLES WITH SPRINGS, PALANQUINS AND ANIMALS.

77. (1) If the Municipal Council notify, under section 50, that a half-yearly tax shall be levied on the vehicles and animals [¹kept or let out for hire within the municipality], the Chairman shall impose such tax at the rates specified in such notification on the vehicles and animals mentioned in the said notification :

Tax on vehicles and animals.

Provided that the Chairman may exempt from taxation under this section any vehicle used solely for the conveyance of children.

(2) The amount payable for each half-year shall be payable by any person in whose possession or custody or control any such vehicle or animal may be found so soon as it has been for [²fifteen] days in such half-year kept or let out for hire * * * within the municipality.

Tax when due.

(3) No person by reason of transfer of ownership shall be liable under this section [⁴in any municipality] in respect of any vehicle or animal for which a license relating to the half-year in which ownership was transferred has already been given in the manner hereinafter provided in [⁵the same municipality].

Exemption in certain cases.

78. The tax payable under the preceding section shall not be imposed on—

General exemptions.

⁶ (i) vehicles and animals belonging to Government and used for military purposes ;

(ii) vehicles and animals belonging to the Municipal Council ;

(iii) animals exempt from municipal tax under section 25 of the Indian Volunteers Act, 1869 ;⁷

⁸ (iv) vehicles and animals kept within the municipality for use in the discharge of their outdoor duties therein by such members of the Police-force as are employed on such duties or by such servants of the municipality similarly employed as the Municipal Council may, with the approval of the Governor in Council, designate :
 Provided that not more than one vehicle and two animals

XX of 1869.

¹ These words were substituted for the original words by Mad. Act III of 1897, s. 57 (1).

² The word "fifteen" was substituted for the figures "30" by Mad. Act III of 1897, s. 57 (2).

³ The words "or used" were repealed by Mad. Act III of 1897, s. 57 (2).

⁴ These words were inserted by Mad. Act III of 1897, s. 57 (3).

⁵ These words were substituted for the words "any municipality" by Mad. Act III of 1897, s. 57 (3).

⁶ These clauses were substituted for the original clauses (i) and (iv) by Mad. Act III of 1897, s. 58 (1) and (2), respectively.

⁷ Printed, General Acts, Vol. II. •

(Chap. III.—4. Tax on Vehicles with Springs, Palanquins and Animals.

Secs. 79-84.)

for each such member or servant shall be exempt under this clause from taxation ; and

- (v) vehicles and animals kept solely for sale by builders and dealers, or vehicles and animals which have not, during the half-year, been used.

Chairman may compound with livery stable-keepers and others.

79. The Chairman may, subject to the approval of the Municipal Council, compound, for any period not exceeding one year, with livery stable-keepers and other persons keeping vehicles and animals for sale or hire for a certain sum to be paid in respect of such vehicles and animals in lieu of the taxes specified in Schedule B.

Blank forms to be sent to persons liable to tax.

80. The Chairman or any officer authorized by him in that behalf shall send to every person supposed [to have become liable] to the payment of the tax payable under section 77 a printed table in the form contained in Schedule C or to the like effect, to be filled up with such information respecting the vehicles and animals kept by him as the Chairman considers necessary for the assessment of the tax.

Forms to be filled up and returned.

81. Such form shall be filled up with such information in writing, and dated, and returned within one week of its receipt to the municipal office by the person to whom it has been sent.

If form not returned or payment not made, notice to pay to be served.

82. If any person to whom a form has been sent under section 80 omits, within one week of its receipt, to fill it up, and to date, sign and return it to the municipal office, or if he returns the said form so filled up, dated and signed but omits, within the said period, to pay the tax for which he is liable, the Chairman shall serve on such person a notice requiring him to pay within fifteen days from the service of such notice the sum for which he is believed to be, or is, liable under section 77.

On payment of tax, Chairman to give license.

83. On receiving the amount of the tax payable in respect of any vehicle or animal, the Chairman, or some person duly authorized by him in that behalf, shall give to the person paying the same a license for such vehicle or animal for the period in respect of which the money has been received.

Licensee bound to produce his license.

84. (1) Every person who has received such license shall, at all reasonable times during the said period, produce such license when required to do so by the Chairman or any person duly authorized in writing by him to demand its production.

¹ These words were substituted for the words "to be liable" by Mad. Act III of 1897 s. 59.

² This section was substituted for the original s. 82 by Mad. Act III of 1897, s. 60.

*(Chap. III.—5. Tax on Carts and other Vehicles without Springs.
Secs. 85-88.)*

(2) Every person failing to comply with such requisition shall be liable Penalty. to a fine not exceeding rupees five.

5. TAX ON CARTS AND OTHER VEHICLES WITHOUT SPRINGS.

85. ¹(1) If the Municipal Council notify, under section 50, that a half-yearly tax shall be levied on carts and other wheeled vehicles without springs kept or let out for hire within the municipality, the owner of every such cart or vehicle shall register the same and pay the tax due on account thereof upon such date as the Chairman may notify under sub-section (3). Tax on carts, etc.

(2) Such carts and other vehicles shall be registered in the municipal office with the name and residence of the owner, and shall bear the number of such registration in such manner as the Municipal Council direct. Registry and numbering of carts, etc.

(3) The registration of carts and other vehicles shall be made and the numbers assigned half-yearly upon such days as the Chairman shall notify. Registration half-yearly.

¹(4) This section shall not apply to vehicles belonging to Government and used for military purposes, to vehicles belonging to the Municipal Council or to vehicles kept solely for sale by builders and dealers. Exception.

86. Any person * * ²becoming possessed, within the limits of the municipality, of any such cart or vehicle which has not been registered for the then current half-year shall, within [³twenty] days of so * * ²becoming possessed, register the same; and the Chairman shall grant a certificate of registration in every such case on payment of the tax, for the current half-year. Person becoming immediately possessed to register.

* 86A. * * ⁴No person shall be bound * * ⁵to register any cart or other vehicle which has been owned by him or has been in his possession for less than fifteen days in any half-year. No person bound to register unless he has possession for fifteen days.

87. [*Register to be open to inspection.*] *Rep. by Mad. Act III of 1897, s. 3. (1).*

88. Whoever omits to affix, and to keep affixed, to any such cart or other vehicle the registration number prescribed in section 85 shall be deemed to have failed to register the same. Effect of omitting to keep number affixed.

¹ Sub-ss. (1) and (4) were substituted for the original sub-ss. (1) and (4) by Mad. Act III of 1897, s. 61 (1) and (2), respectively.

² The words "owning or" were repealed by Mad. Act III of 1897, s. 62 (1).

³ The word "twenty" was substituted for the word "fifteen" by Mad. Act III of 1897, s. 62 (1).

⁴ This section, which was formerly sub-s. (2) of s. 86, was re-numbered as s. 86A by Mad. Act III of 1897, s. 62 (2).

⁵ The word "But" and the words "under this section" were repealed by s. 62 (2) of Mad. Act III of 1897 at the time the section was re-numbered. Printed, *infra*, p. 990.

(Chap. III.—5. Tax on Carts and other Vehicles without Springs. Secs. 89-90.

6. Tolls on Vehicles and Animals entering Municipal Limits. Sec. 91.)

Unregistered
cart, etc.,
liable to
seizure.

89. The Chairman, or any person duly authorized by him in that behalf, may at any time seize and detain any cart or vehicle not registered as required by section 85, provided the same be not employed at the time of seizure in the conveyance of any passengers or goods.

Procedure
after seizure
of vehicle.

¹ 90. (1) If the cart or other vehicle seized under section 89 be not claimed within ten days from the date of seizure, the Chairman may direct that such cart or vehicle shall be sold by public auction and that the proceeds of the sale shall be applied to the payment of (i) the tax due on the cart or other vehicle sold, (ii) such penalty not exceeding the amount of the said tax as the Chairman may direct, and (iii) a sum of one rupee on account of charges incurred in connection with the seizure, detention and sale.

(2) If the owner of the cart or other vehicle seized under section 89 appear within ten days from the date of seizure and claim the same, it shall be returned to him on payment of (i) the tax due thereon, (ii) such penalty not exceeding the amount of the said tax as the Chairman may direct, and (iii) a sum of eight annas on account of charges incurred in connection with the seizure and detention.

6. TOLLS ON VEHICLES AND ANIMALS ENTERING MUNICIPAL LIMITS.

Tolls on
vehicles and
animals
entering
municipal
limits.
Chairman
may
compound
with persons
living outside
municipal
limits.

91. (1) If the Municipal Council notify, under section 50, that tolls shall be levied upon the vehicles and animals entering the municipal limits, such tolls shall be levied at the rates mentioned in the notification.

(2) The Chairman may, subject to the approval of the Municipal Council, compound for any period, not exceeding one year, with persons living outside the municipality for a sum to be paid in lieu of all tolls payable by them under the provisions of this Act, and shall issue licenses for the vehicles or animals of such persons.

No tolls to
be levied in
certain cases.

² (3) No tolls shall be levied for the passage of vehicles or animals—

(a) belonging to the Municipal Council;

(b) conveying * * *³ police-officers in uniform, municipal servants on duty, or persons or property in the custody of such officers or servants; or

(c) licensed or registered by the Municipal Council, during the period for which they have been so licensed or registered.

¹ This section was substituted for the original s. 90 by Mad. Act III of 1897, s. 63.

² This sub-section was substituted for the original sub-s (3) by Mad. Act III of 1897 s. 64.

³ The words "troops, military stores and baggage, military and" were repealed by the Indian Tolls (Army) Act, 1901 (II of 1901), s. 8.

(*Chap. III.—6. Tolls on Vehicles and Animals entering Municipal Limits.*
Secs. 92-95.)

92. (1) The Municipal Council shall construct toll-bars and gates and gate-keepers' stations, and may place the collection of such tolls under the management of such toll-collectors as may appear to them proper, or may farm out such tolls on such terms and subject to such conditions as they may deem fit. * * * * *

Toll-bars and
farming of
tolls.

(2) The tolls authorized by this section shall be leviable only on vehicles and animals entering municipal limits through the toll-bars, gates or stations constructed under sub-section (1).

Tolls where
leviable.

(3) [A table of the tolls leviable shall be put up at every toll-bar, gate or station, by the Municipal Council; such table shall be] legibly written or painted in English words and figures and in the Vernacular language of the district.

Table of
tolls to be
exhibited.

93. If any person shall, with any carriage, cart or animal, go off or pass from any [street] on which a toll-bar, gate or gate-keeper's station has been constructed under the provisions of section 92 through or over any land adjoining thereto, such land not being owned or occupied by such person and not being a public [street], with intent to evade the payment of any toll leviable under the provisions hereinbefore contained, such person shall be liable to a fine not exceeding rupees fifty and shall also pay the amount of the toll and costs of prosecution.

Penalty for
evading
tolls.

94. No more than one payment of toll shall be demanded in any one municipality in respect of any vehicle or animal in any one period of twenty four hours counted from sunrise to sunrise, and, on such payment being made a receipt shall be granted by the person appointed to collect the toll [on behalf of the Municipal Council or, if the tolls have been farmed out, of the toll-farmer; such receipt shall be] in such form as the Municipal Council may from time to time prescribe.

No more
than one
payment in
twenty-four
hours.

95. (1) If the toll leviable is not paid on demand, the person appointed to collect it as aforesaid may seize and detain such portion of the appurtenances or load of the vehicle or animal in respect of which the toll, or any portion thereof, is due as will, in his opinion, suffice to defray the amount so due, and, in the absence of such appurtenances or load, may seize and detain the said vehicle or animal.

In case of
non-payment
of toll,
vehicle, etc.,
may be
seized.

¹ The last twenty-five words of this section were repealed by Mad. Act III of 1897, s. 65 (1).

² These words were substituted for the original words by Mad. Act III of 1897, s. 65 (2).

³ The word "street" was substituted for the word "road" by Mad. Act III of 1897, s. 66.

⁴ These words were inserted by Mad. Act III of 1897, s. 67. Printed, *infra*, p. 900.

⁵ This section was substituted for the original s. 95 by Mad. Act III of 1897, s. 68.

(Chap. III.—6. Tolls on Vehicles and Animals entering Municipal Limits.

Sec. 96. 7. Tax on Servants. Secs. 96, 96A-96B.)

Notice of
intended
sale.

(2) All property seized under sub-section (1) shall be sent at once to the Chairman or to such person as may have been authorized by him to receive and sell property so seized, and the Chairman or person authorized as aforesaid shall forthwith give notice to the owner of the property seized, or, if the owner is not known or is not resident within the municipality, to the person, who was in charge of the said property at the time when it was seized, and if he is not found, publish by beat of drum that, after the expiration of two days, exclusive of Sunday, from the date of service or after the said publication of such notice, he will sell the said property by auction at a place to be specified in the notice.

Sale shall be
stopped if
payment
tendered.

96. [¹ (1) If, at any time before the sale has begun, the person to whom notice has been given as provided in sub-section (2) of section 95, or the owner of the property seized, tenders to the Chairman or other person authorized as aforesaid (a) the amount due on account of the toll, and (b) a sum of four annas on account of charges incurred in connection with the seizure and detention, the property seized shall be forthwith released.]

Sale-
proceeds to
discharge
toll and
expenses.

(2) If no such tender is made, the property may be sold, and the proceeds of such sale shall be applied in payment of [²(i) the amount due on account of the toll, (ii) such penalty not exceeding the amount of toll as the Chairman may direct, and (iii) a sum of eight annas on account of charges incurred in connection with the seizure, detention and sale.]

7. TAX ON SERVANTS.

Levy of tax
on servants.

³ 96A. If the Municipal Council notify, under section 50, that a monthly tax shall be levied upon private menial and domestic male servants, the Chairman shall impose such tax at the rate specified in such notification upon all employers of such servants who have not paid during the then current financial year, and who are not liable to pay, any of the taxes specified in clauses (i), (ii) and (iii) of section 47.

Tax when
due.

³ 96B. The tax on servants shall be payable in each month for each servant employed for not less than five days in such month and, if it remains unpaid at the end of the said period of five days, the Chairman shall serve upon the employer a notice requiring him to pay the sum due within three days from the date of such service.

¹ This sub-section was substituted for the original sub-s. (1) by Mad. Act III of 1897, s. 69 (1).

² These figures and words were substituted for the original words by Mad. Act III of 1897, s. 69 (2).

³ Ss. 96A to 96E were inserted by Mad. Act III of 1897, s. 70.

(Chap. III.—7. Tax on Servants. Secs 96C-96H. 8. Appeals. Secs. 97-99.)

196C. The Chairman may, by notice, require every secretary, owner or manager of a club, hotel or boarding-house or of residential chambers to forward to him, periodically or at any time, a list in writing, signed by such secretary, owner or manager, of the private menial and domestic male servants employed by every person resident in such club, hotel, boarding-house or chambers.

Chairman may require secretaries of clubs etc., to furnish lists of servants.

196D. Every person who has paid any sum under section 96B and who during the course of the same financial year pays, in the same municipality, any of the taxes specified in clauses (i), (ii) and (iii) of section 47, shall be entitled to a refund of the sum paid on account of the tax on servants.

Refund of tax, when claimable.

196E. In case of doubt, the Governor in Council shall have power to decide whether a municipality is a hill-station within the meaning of the second proviso to section 47.

Governor in Council to decide what is a hill-station.

8. APPEALS.

297. No appeal shall lie to the Municipal Council in respect of the imposition of taxes except against—

Appeals to the Municipal Council in respect of taxes.

- (i) assessments made by the Revenue-officer in charge of the division under section 52A ;
- (ii) the Chairman's proceedings under section 54 ;
- (iii) the Chairman's order under section 69C upon a revision petition ;
- (iv) the imposition by the Chairman of any tax on any vehicle or animal or of the tax on servants.

(2) The Municipal Council may, of their own motion or otherwise, cancel or modify any order passed by the Chairman reducing or remitting a tax.

Council may cancel Chairman's orders

98. The appeal shall be made in writing, and shall set forth concisely and under distinct heads the grounds of objection to the decision or other proceedings appealed against and shall be heard and disposed of by the Municipal Council.

Form of appeal.

399. No appeal to the Municipal Council shall be heard—

Limitation as to appeal.

- (i) unless it be presented at the municipal office—
 - (a) within fifteen days from the date of the service of the notice referred to in sections 56 and 82 ; or
 - (b) within fifteen days from the date upon which the tax became payable under sections 64, 73, 85 or 86 ; or
 - (c) within three days from the date of the service of the notice referred to in section 96B :

¹ See third footnote on preceding page.

² This section was substituted for the original s. 97 by Mad. Act III of 1897, s. 71.

³ This section was substituted for the original s. 99 by Mad. Act III of 1897, s. 72.

(Chap. III.—8. Appeals. Secs. 100-101. 9. Collection of Taxes. Secs. 102-103.)

Provided the Municipal Council may admit an appeal within fifteen days after the time prescribed in this section, if cause be shown to their satisfaction for not preferring it within the prescribed time ; and

(ii) unless (except when the Chairman otherwise directs on the ground of poverty) the tax in respect of which the appeal is presented has been deposited at the municipal office on or before the day upon which the appeal is presented.

Assessment-
books to be
corrected in
accordance
with orders
of Council.
If tax
decreased,
refund to be
made.
Assessment,
etc., when to
be final.

100. [¹ The assessment-books maintained under section 52 shall be corrected in accordance with any orders passed by the Municipal Council on an appeal presented under section 97, and such correction shall not be deemed to be an amendment within the meaning of sub-section (3) of section 66.] In the event of the amount of any tax being decreased or remitted by the Municipal Council, the Chairman shall grant a refund accordingly.

101. The assessment or demand of any tax, when no appeal is made as hereinbefore provided, and the adjudication of an appeal by the Municipal Council, shall be final.

9. COLLECTION OF TAXES.

Before dis-
traint, bill to
be presented
in certain
cases.

²102. (1) When any tax in respect of which no notice has been served or direction given as provided in sections 56, 69D, 82 and 96B is due from any person, the Chairman shall serve upon such person a bill for the sum due before he proceeds to enforce the provisions of section 103.

(2) Such bill shall be signed by the Chairman and shall contain—

- (i) a statement of the period and a description of the occupation, property or thing for which the tax is charged ; and
- (ii) a notice of the liability incurred in default of payment.

Recovery of
sum due by
distrain.

³103. (1) If the amount due on account of any tax is not paid within fifteen days from the service of the notice or bill or the giving of the direction prescribed in sections 56, 69D, 82 and 102, or within three days from the service of the notice prescribed in section 96B, and if the person from whom the tax is due has not shown cause to the satisfaction of the Chairman why the same should not be paid, the Chairman may recover, by the distrain and sale of the moveable property of the defaulter, the amount due on account of the tax, together with the warrant-fee and the distrain-fee leviable under sections 104 and 108, respectively, and with such further sum as will satisfy

¹ These words were inserted by Mad. Act III of 1897, s. 73.

² This section was substituted for the original s. 102 by Mad. Act III of 1897, s. 74.

³ This section was substituted for the original s. 103 by Mad. Act III of 1897, s. 75.

the probable expenses incidental to the detention and sale of the property so distrained.

(2) If, for any reason, the distraint, or a sufficient distraint, of the defaulter's property is impracticable, the Chairman may prosecute the defaulter before a Magistrate. Prosecution in default of distraint.

(3) Nothing herein contained shall preclude the Municipal Council from suing in a Civil Court for any amount due to them under this Act. Council may also sue.

¹104. In order to the distraint and sale of property under sub-section (1) of section 103, the Chairman shall issue a warrant in the form prescribed in Schedule E or in some similar form; and, for each such warrant, a warrant-fee of two annas shall be leviable. Warrant for distraint.

²105. The officer charged with the execution of the warrant shall, before making the distraint, demand payment of the tax due and of the warrant-fee leviable under section 104. If, thereupon, the said tax and fee are paid, no distraint shall be made, but, if not, the said officer shall— Procedure in making distraint.

- (i) seize such moveable property of the defaulter as he may think necessary ;
- (ii) make an inventory of the property seized ; and
- (iii) give to the person in possession of the property seized at the time of seizure a notice in the form prescribed in Schedule F or in some similar form.

106. Whenever under the provisions of this Chapter any property is distrained, seized or sold in consequence of the non-payment of any tax, toll or fee due, such distraint, seizure and sale shall be effected subject to [the provisions of section 271 of the Code of Civil Procedure⁴ and to] the conditions, exceptions and exemptions hereinafter provided. Conditions of distraint and sale.
Act XIV of 1882.

XIV of 1882.

- (i) The following property shall not be liable to distraint :— Exceptions.
 - (a) the necessary wearing-apparel [³and bedding] of the defaulter, his wife and children,
 - (b) the tools of artizans, and,
 - (c) where the defaulter is an agriculturist, his implements of husbandry and such cattle [³and seed-grain] as may, in the opinion of the person making the distraint, be necessary to enable the defaulter to earn his livelihood.

¹ This section was substituted for the original s. 104 by Mad. Act III of 1897, s. 78.

² This section was substituted for the original s. 105 by Mad. Act III of 1897, s. 77.

³ These words were inserted by Mad. Act III of 1897, s. 78.

⁴ See the raised edition as modified up to 1st December 1899.

Limit.

(ii) The [distrainment] shall not be excessive, that is to say, the property distrained shall be, as nearly as possible, proportionate to the amount due [on account of the tax, the warrant-fee and distraint-fee and the probable expenses incidental to the detention and sale of the said property].

Sale of
distrained
property.

³107. (1) If the amount due by the defaulter on account of the tax, the warrant-fee and distraint-fee and the expenses incidental to the detention of the property is not paid within the period of seven days mentioned in the notice given under section 105, and if the distraint-warrant is not suspended by the Chairman, the property seized or a sufficient portion thereof shall be sold by public auction under the orders of the Chairman, who shall apply the proceeds of the sale to the payment of the amount due on account of the tax, the warrant-fee and distraint-fee and the expenses incidental to the detention and sale of the property, and shall return to the person in whose possession the property was at the time of seizure any property or sum which may remain after the sale and the application of the proceeds thereof as aforesaid. If the proceeds of the sale are insufficient for the payment of the amount due on account of the tax, the warrant-fee and distraint-fee and the expenses incidental to the detention and sale of the property, the Chairman may again proceed as provided in sub-section (1) of section 103 in respect of the sum remaining unpaid.

Sale of
perishable
article.

(2) When the property seized is subject to speedy and natural decay, the Chairman may sell it at any time before the expiry of the said period of seven days, unless the amount due is sooner paid.

Objections
to sale to be
considered.

(3) The Chairman shall consider any objections to the distraint of any property which are made within the said period of seven days and may postpone the sale pending investigation thereof. If the Chairman decides that the property attached was not liable to distraint, he shall return it or, if it has already been sold under sub-section (2), the proceeds of the sale thereof to the person appearing to be entitled thereto and may again proceed as provided in sub-section (1) of section 103; and all fees and expenses connected with the first distraint and sale shall be recoverable from the defaulter, if it shall appear to the Chairman that he wilfully permitted the distraint of property which to his knowledge was not liable to distraint.

Distraint
fees.

108. (i) [distrainment] fees shall be payable * ⁵ under this Act at

¹ The word "distrainment" was substituted for the word "distress" by Mad. Act III of 1897, s. 78. Printed, *infra* p. 991.

² These words were inserted by Mad. Act III of 1897, s. 78.

³ This section was substituted for the original s. 107 by Mad. Act III of 1897, s. 79.

⁴ The word "distrainment" was inserted by Mad. Act III of 1897, s. 80 (1).

⁵ The words "upon distraintments" were repealed by Mad. Act III of 1897, s. 80 (1).

such rates, not exceeding those mentioned in Schedule G, as may be from time to time determined by the Municipal Council. * *¹

(ii) Such fees shall not be held to include the [²expenses incidental to the detention of any property] distrained under this Act.

109. The property of a person in default under section 103 may be distrained wherever the same may be found within the municipality.

Property of defaulter, wherever found, may be distrained.

³ **110.** If the tax due on account of any building or land remains unpaid at the end of the period mentioned in section 103, the Chairman may, provided that the said tax has not been due for more than one year, require the occupier for the time being of such building or land to pay the amount within a specified period; and, if the occupier fails to comply with this requisition, the Chairman may distrain and sell any moveable property found on the premises, and the provisions of sections 104, 105, 106, 107 and 108 shall, *mutatis mutandis*, apply to all distraints and sales effected under this section; but no occupier shall be liable to prosecution under section 103 or to a civil suit, in respect of any sum recoverable from him under this section, unless he has wilfully prevented distraint or a sufficient distraint.

Occupier may be called on to pay for owner.

Occupier not to be liable to prosecution or suit in such case. Penalty on conviction before Magistrate.

⁴ **111.** Every person who is prosecuted under section 103 shall be liable, on proof to the satisfaction of the Magistrate that he wilfully or negligently omitted to pay the amount due by him or that he wilfully prevented distraint or a sufficient distraint, to pay a fine not exceeding twice the amount which may be due by him on account of (a) the tax and the warrant-fee, if any, and (b), if distraint has taken place, the distraint-fee and the expenses incidental to the detention and sale, if any, of the property distrained; and he shall also pay the said amount and the costs of the prosecution:

Provided that, in the case of any tax due under section 77, where the form referred to in section 80 has not been duly returned to the municipal office, the amount of tax found under this section to be due shall not be less than the amount specified in the notice served under section 82.

112. [*Recovery of arrears of taxes, etc., due at commencement of this Act.*] *Rep. by Mad. Act III of 1897, s. 3 (1).*

¹ The words "at a meeting" were omitted in accordance with s. 3 (2) of Mad. Act III of 1897.

² These words were substituted for the original words by Mad. Act III of 1897, s. 80 (2).

³ This section was substituted for the originals 110 by Mad. Act III of 1897, s. 81.

⁴ This section was substituted for the original s. 111 by Mad. Act III of 1897, s. 82.

(*Chap. IV.—Purposes to which the Funds raised under this Act shall be applied. Sec. 113.*)

CHAPTER IV.

PURPOSES TO WHICH THE FUNDS RAISED UNDER THIS ACT SHALL BE APPLIED.

Purposes to which the funds raised under this Act may be applied.

113. The funds raised under this Act shall, subject to such rules and restrictions as the Governor in Council may, from time to time, prescribe, be applicable within the municipalities in which they are raised, [¹ or, with the special sanction in each case of the Governor in Council, without the said municipalities,] to the following purposes; that is to say:—

- (i) the construction, repair and maintenance of streets, bridges and other means of communication;
- ² (ii) the construction, maintenance and repair of hospitals, dispensaries, lunatic asylums, poor-houses, markets, drains, sewers, latrines, water-works, tanks, wells, recreation-grounds, gardens, parks and other works of public utility, the payment of all charges connected with the objects for which such works have been constructed, the training and employment of medical practitioners and vaccinators, the sanitary inspection of towns and villages, the registration of births, the watering and lighting of the streets, the cleansing of the streets, tanks, wells, drains, sewers, latrines and other works of a similar nature, and the taking of a census;
- ² (iii) the planting and preservation of trees;
- ³ (iv) the diffusion of education, and, with this view, the construction and repair of school-houses, the establishment and maintenance of schools, [⁴public libraries, reading-rooms, gymnasias or any other institutions connected with the diffusion of education] either wholly or by means of grants-in-aid, the inspection of schools, and the training of teachers;
- ³ (v) other measures of public utility calculated to promote the safety, health, comfort or convenience of the people;
- ⁵ (vi) the payment of any amounts falling due on any loans legally contracted by the Municipal Council;

¹ These words were inserted by Mad. Act III of 1897, s. 83 (1).

² Cls. (ii) and (iii) were substituted for the original cl. (ii) of the section by Mad. Act III of 1897, s. 83 (2).

³ Cls. (iv), (v) and (vii) are the original clauses (iii), (iv) and (v), respectively, renumbered by Mad. Act III of 1897, s. 83 (2).

⁴ These words were inserted by Mad. Act III of 1897, s. 83 (3).

⁵ This clause was substituted for the original cl. (vi) of the section by Mad. Act III of 1897, s. 83 (4). Printed, *infra* p. 992.

(Chap. IV.—Purposes to which the Funds raised under this Act shall be applied. Secs. 114-116.)

- ¹ (vii)* the payment of salaries, leave-allowances, pensions, gratuities and compassionate allowances to servants employed by the Municipal Council ;
- ² (viii) the payment of all expenses specially provided for in this Act, or specially sanctioned, with the approval of the Governor in Council, by the Municipal Council, but not included in the preceding clauses of the section, and the payment of refunds sanctioned by the Municipal Council.

* * * * *

* 114.. If the expenditure incurred for any of the purposes described in the last preceding section by any authority constituted under the Madras Local Boards Act, 1884,⁵ or the City of Madras Municipal Act, 1884,⁶ as amended by Madras Acts VII of 1884 and II of 1893, or other similar laws for the time being in force, is calculated to benefit the inhabitants of any municipality, or if that incurred by the Municipal Council in any one municipality is calculated to benefit the inhabitants of any other municipality, the Municipal Council or the municipality so benefited may, with the sanction of the Governor in Council, contribute towards such expenditure ; or the Governor in Council may direct such Municipal Council to show cause, within a month after receipt of the order containing the direction, why such contribution should not be paid. If the Municipal Council fail to show such cause within the said period to the satisfaction of the Governor in Council, he may direct the said Municipal Council to pay such contribution as he shall name, and it shall be paid accordingly.

Contributions by a Municipality to other municipal or local authorities.

115. The Governor in Council may, at any time, with the consent of the Municipal Council, transfer to such Municipal Council the management of any institution or the execution of any work not provided for by this Act, and it shall thereupon be lawful to such Municipal Council to undertake the management of such institution or the execution of such work : Provided that in every such case the funds necessary for such management or execution shall be placed at the disposal of the Municipal Council by the Governor in Council.

Objects not provided for by this Act.

116. The Governor in Council may by a notification from time to time exempt any municipality from the operation of any one or more of the

Exemption from this Chapter.

¹ See third footnote on preceding page.

² This clause was added by Mad. Act III of 1897, s. 83 (5).

³ The proviso to this section was repealed by Mad. Act III of 1897, s. 83 (5).

⁴ This section was substituted for the original s. 114 by Mad. Act III of 1897, s. 84.

⁵ Mad. Act V of 1884, printed, *infra*, p. 683, as amended by Mad. Act III of 1890.

⁶ Mad. Act I of 1884, printed, *supra*, p. 398.

following sections contained in this Chapter, and may at any time in like manner modify or cancel such exemption.

1. EDUCATION.

The Municipal Council to make provision for the public instruction of children, by maintaining schools, or by grants-in-aid,

or by contributions,

and may maintain or aid schools where admission is free to a class or classes.

The Governor in Council may direct that aid be given to a school intended for a particular class.

The standard of public instruction to be provided by the Municipal Council. The Municipal Council shall levy schools' fees in such and may pay the fee for any child;

117. The Municipal Council shall, so far as the funds at their disposal may admit, make provision for the instruction in schools of all children of school-going age, resident within the limits of the municipality, for whose instruction provision shall not otherwise have been made.

118. The Municipal Council may provide instruction—

- (i) either by schools maintained wholly from the municipal fund, or
- (ii) by means of grants-in-aid to private schools from the said fund in accordance with such rules as may from time to time be prescribed by the Governor in Council, or
- (iii) by contributing towards the cost of Government schools, or
- (iv) by more than one of such means.

119. The Municipal Council may, with the previous sanction of the Governor in Council, maintain, either wholly from the municipal fund or by grants-in-aid therefrom, primary schools to which admission may be wholly or partly free for any class of the inhabitants which, in the opinion of the Municipal Council, is by reason of poverty unable to pay the fees leviable in schools maintained by the Municipal Council, whether wholly from the municipal fund or by grants-in-aid therefrom.

120. If at any time it seems advisable to the Governor in Council that a grant-in-aid should be made to any school maintained solely for the instruction of the children of any particular class of the inhabitants of any municipality, he may direct the Municipal Council of such municipality to make such grant to such school; and the Municipal Council shall make it accordingly: Provided that the Governor in Council shall not so direct until the Municipal Council shall have had an opportunity of submitting their views on the subject to Government.

121. The instruction to be provided by the Municipal Council shall be of such standards as may from time to time be prescribed by the Governor in Council.

122. (1) The Municipal Council shall levy in every school maintained by them wholly from the municipal fund fees in accordance with such rates as may from time to time be prescribed by the Governor in Council: Provided that if the Municipal Council are satisfied that the parent or guardian of any child, resident in the municipality, is by reason of poverty unable to

pay for the primary education of such child, they may pay the whole or part of the fees payable for the primary education of such child, but they shall not compel the parent or guardian of such child to send such child, in consideration of the said relief, to any particular school.

but shall not name the school to which the child shall go.

(2) The proceeds of all fees levied by the Municipal Council as aforesaid shall be expended by the Municipal Council for the provision of instruction by means of schools.

The proceeds of fees shall be spent on schools.

123. [*The Municipal Council may aid the construction of buildings for other schools.*] *Rep. by Mad. Act III of 1897, s. 3 (1).*

124. The Municipal Council may also provide, wholly from the municipal fund, or by means of grants-in-aid therefrom,—

The Council may provide for other educational matters.

- (i) for the inspection of schools maintained by them, whether wholly from the municipal fund or by grants-in-aid therefrom ;
- (ii) for the training of teachers for [schools maintained or aided from municipal funds] ;
- (iii) for the instruction and training of persons for the practice of medicine, or of vaccination, or of any technical or industrial calling ; and
- (iv) for the maintenance of public libraries, reading rooms, gymnasia, or any other institutions connected with the diffusion of education, which may be approved by the Governor in Council.

2. MEDICAL RELIEF.

125. (1) The Municipal Council shall provide and maintain either from endowments or from the municipal fund or by grants-in-aid therefrom, in accordance with such rules² as may from time to time be prescribed by the Governor in Council, a hospital or dispensary where the sick poor of the municipality shall be entitled to receive medical and surgical advice and treatment free of charge ; and the Municipal Council shall provide and maintain more than one such hospital or dispensary if the Governor in Council directs them to do so : Provided that the Governor in Council shall not so direct until the Municipal Council shall have had an opportunity of submitting their views on the subject to the Government.

Provision of hospitals and dispensaries.

(2) But the Municipal Council shall not be bound to provide or maintain any such hospital or dispensary when, in the opinion of the Governor in

Municipal Council not bound to provide, if

¹ These words were substituted for the words "primary schools" by Mad. Act III of 1897, s. 85.

² For rules under this section and s. 250, prescribing rules for the purpose of defining the position of Civil Surgeons in relation to municipal hospitals and dispensaries, see Madras List of Local Rules and Orders, Ed. 1898, p. 506.

(Chapter IV.—2. Medical Relief. Secs. 126-128. 3. Vaccination. Secs. 129-131.)

sufficient provision already made.

Such hospital or dispensary to be supplied with medicines, etc.

Persons other than paupers may obtain treatment.

Employment of Medical Officer.

Treatment of strangers.

Provision for vaccination.

Licensed vaccinator.

No fee to be charged for vaccination by any public vaccinator or for certificates.

Council, sufficient provision has otherwise been made for the treatment, free of charge, of the sick poor of the municipality.

126. The Municipal Council shall provide every hospital or dispensary provided or maintained by them with all necessary drugs, instruments, apparatus, furniture and appliances on a scale approved by Government, and, when in the opinion of the Municipal Council provision for in-patients may be necessary, they shall also provide a sufficient number of cots, bedding, clothing, furniture and diet for such in-patients.

127. (1) Any inhabitant of the municipality, who is not a fit object of public charity, may, subject to such rules as the Municipal Council, with the approval of the Governor in Council, may from time to time prescribe, obtain medical or surgical advice and treatment from any hospital or dispensary maintained by the Municipal Council from endowments or from the municipal fund: Provided that any charges incurred by the Municipal Council in the medical or surgical relief of persons other than the sick poor of the municipality or those unable to pay a medical attendant shall be reimbursed by such persons.

(2) The Municipal Council shall employ a Medical Officer for any hospital or dispensary maintained by them from endowments or from the municipal fund.

128. The Municipal Council may also permit the treatment in the hospitals or dispensaries maintained by them from endowments or from the municipal fund of any person not resident in the municipality.

3. VACCINATION.

129. Every Municipal Council shall make provision for the gratuitous vaccination of all persons residing within the municipality—

- (i) by employing an adequate staff of duly qualified vaccinators, and
- (ii) by making suitable provision for, and defraying the charges of, maintaining a supply of vaccine-lymph, and such public vaccinating stations as may be necessary.

130. The Governor in Council may, by a written license, authorize any medical practitioner or other person to perform the operation of vaccination and may at any time suspend or cancel any such license.

131. ¹(1) No fee or remuneration shall be charged by any public vaccinator for any vaccination performed or certificate given under this Act:

¹ This was numbered sub-s. (1) by Mad. Act III of 1897, s. 86, i.

(Chapter IV.—3. Vaccination. Secs. 132-136.)

¹ Provided that the Chairman may, upon application by any person and upon the payment by him of such fee as the Municipal Council may have prescribed, direct a public vaccinator to perform vaccination, or to make an inspection as hereinafter provided, at the private residence of such person. But fee may be levied for visit to private house.

² (2) If the application mentioned in the proviso to sub-section (1) is made in respect of a female who, according to the customs of the country, does not appear in public, the same shall be complied with and no fee shall be charged in respect of such compliance. Vaccination of gosha females.

132. (1) The parent or guardian of any child successfully vaccinated may require from the public vaccinator a certificate to the effect that the child has been successfully vaccinated, and the public vaccinator shall furnish such certificate. Certificate of vaccination.

(2) If the public vaccinator is of opinion that a child which has been three times unsuccessfully vaccinated is insusceptible of successful vaccination, he shall deliver to the parent or guardian of such child a certificate to that effect. Certificate when child is insusceptible of vaccination.

(a) Compulsory Vaccination.

133. (1) The Governor in Council may, by notification,³ declare that vaccination shall be compulsory in any municipality from a date to be specified in such notification, and may, from time to time, in like manner, cancel or modify such declaration. Governor in Council may declare vaccination compulsory.

(2) On the publication of the said notification, the Municipal Council shall cause to be proclaimed by beat of drum, and by notification in the District Gazette, that vaccination is compulsory in such municipality. Municipal Council to proclaim that vaccination is compulsory.

134. The parent or guardian of any unprotected child who is * * * six months old, but is under ten years of age, and who has resided within the limits of such municipality for a period of six months after such proclamation, shall take or cause it to be taken to a vaccinator or shall procure its vaccination by a vaccinator. [The Chairman may, in such municipality, direct the vaccination of any child under six months of age when it is exposed to infection in consequence of residence in a house infected by small-pox.] Unprotected child to be vaccinated.

135. (1) The vaccinator shall, if he finds such child in a state unfit for Vaccinator to

¹ This proviso was added by Mad. Act III of 1897, s. 86 (1).

² This sub-section was added by Mad. Act III of 1897, s. 86 (2).

³ For list of municipalities in which vaccination has been declared compulsory, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, pp. 508—513.

⁴ The words "more than" were repealed by Mad. Act III of 1897, s. 87.

⁵ These words were added by Mad. Act III of 1897, s. 87. Printed, *infra* p. 992.

certify if
child unfit.

vaccination, deliver to its parent or guardian a certificate to the effect that the child is in a state unfit for vaccination.

Effect of
such
certificate.

(2) A certificate granted under this section showing the unfitness of a child for vaccination shall remain in force for such period, not exceeding three months, as shall have been stated therein; and, on the termination of that period, the parent or guardian of such child shall take the child, or cause it to be taken, to a vaccinator to be vaccinated, or procure its vaccination at his own house by a vaccinator and shall subsequently cause it to be inspected in the manner hereinafter provided:

Renewal of
such
certificate.
Vaccinator to
vaccinate
child, if fit.

Provided that, if the child is still found to be in a state unfit for vaccination, the certificate shall be renewed.

136. The vaccinator shall, if he finds the child to be in a state fit for vaccination, vaccinate the child and deliver to its parent or guardian a memorandum stating the date on which the vaccination has been performed and the date on which the child is to be inspected in order to ascertain the result of the operation.

Inspection
after
vaccination.

137. (1) The parent or guardian of every child which has been vaccinated under the last preceding section shall, on the date of inspection stated in the memorandum, take the child, or cause it to be taken, to a vaccinator for inspection, or shall procure its inspection by a vaccinator; and such vaccinator shall then append to the memorandum a certificate stating that the child has been inspected and the result of such inspection.

Procedure
when vaccin-
ation is
successful.

(2) When it is ascertained, at the time of inspection under this section, that the vaccination has been successful, a certificate shall be delivered by the vaccinator to the parent or guardian of such child to that effect; and such child shall thereafter be deemed to be protected.

Procedure
when vaccin-
ation is
unsuccessful.

(3) When it is ascertained that the vaccination has been unsuccessful, the parent or guardian shall, if the vaccinator so direct, cause the child to be forthwith again vaccinated, and shall subsequently cause it to be inspected in the manner provided in sub-section (1) of this section.

Certificate
of insuscep-
tibility.

(4) If the vaccinator is of opinion that a child which has been three times unsuccessfully vaccinated is insusceptible of vaccination, he shall deliver to the parent or guardian of such child a certificate to that effect; and the parent or guardian shall thenceforth not be required to cause the child to be vaccinated.

Notice to
parent or

138. (1) The Chairman, or some person or persons authorized by him in that behalf, shall ascertain [which] children under the age of ten years

¹ The word "which" was substituted for the words "whether all the" by Mad. Act III of 1897, s. 88(1).

within the municipality [are unprotected; and for the said purpose the Chairman may require any parent or guardian to forward to him within a specified time a list in writing signed by him of the number and ages of the children under his guardianship]; and if the Chairman or any person authorized by him has reason to believe that the parent or guardian of any unprotected child is bound by the provisions hereinbefore contained to [²procure the vaccination or inspection of such child] and has omitted so to do, he shall go to the house of such parent or guardian and there make inquiry, and shall, if the fact is proved to his satisfaction, forthwith deliver to such parent or guardian, or cause to be affixed to his house, a notice requiring that the child be vaccinated [²or inspected, as the case may be], at a time and place to be specified in the notice.

guardian of
unprotected
child, etc.

(2) If such notice is not complied with, the Chairman or such person shall send a report on the matter to the Magistrate, who shall summon the parent or guardian of the child and demand his explanation, and shall, if such explanation is not satisfactory, [³sentence such parent or guardian to pay a fine not exceeding fifty rupees].

If notice is
disobeyed,
Magistrate
may impose
fine;

* [(3) If the Magistrate finds the explanation given by the parent or guardian of the child to be satisfactory, he shall make an order in writing directing such parent or guardian to comply with the notice given under subsection (1) before a date specified in the order, and, if on such date the said order has not been obeyed, the Magistrate shall again summon the parent or guardian to appear before him and shall proceed as before.]

or may direct
compliance
with notice
before given
date.

⁵ [(4) No penalty shall be imposed under this section if it is proved that the parent or guardian has demanded the use of animal vaccine-lymph and that such lymph has not been available.]

No penalty
where
animal-
lymph
demanded,
but not
available.

139. [*Provision as to person who does not appear in public.*] *Rep. by Mad. Act III of 1897, s. 3.*

(b) Penalties.

140. Whoever, after a notification has been issued under section 133 (1), not being a vaccinator under this Act, wilfully signs or makes a certificate

Penalty for
signing a
certificate

¹ These words were substituted for the words "have been vaccinated or are unprotected" by Mad. Act III of 1897, s. 88 (1).

² These words were substituted for the original words by Mad. Act III of 1897, s. 88 (1).

³ These words were substituted for the last 22 words by Mad. Act III of 1897, s. 88 (2).

⁴ This sub-section was substituted for the original sub-s. (3) by Mad. Act III of 1897, s. 88 (3).

⁵ This sub section was added by Mad. Act III of 1897, s. 88 (4).

by unauthorized vaccinators.

Penalty for signing a false certificate or refusing to grant certificate.

Prohibition of inoculation.

Inoculated persons not to enter any municipality within given period without certificate.

Penalty for such entry.

purporting to be a certificate granted under this Act, shall be liable to a fine not exceeding rupees five hundred.

141. Whoever, being a vaccinator, wilfully signs, or makes or procures the signing or making of, a false certificate, or, being bound to grant a certificate under this Act, refuses or neglects to grant the same, shall be liable to a fine not exceeding rupees one hundred.

142. In every municipality inoculation is hereby prohibited ; and

no person who has undergone the operation of inoculation shall enter any municipality before the lapse of forty days from the date of inoculation without a certificate from a medical practitioner, of such class as the Local Government may from time to time by written order authorize to grant such certificates, stating that such person is no longer likely to produce small-pox by contact or near approach.

Whoever contravenes the provisions of this section shall be liable to simple imprisonment for a term not exceeding three months, or to a fine not exceeding rupees two hundred, or to both.

4. WATER-SUPPLY.

The Municipal Council to provide water-supply. Public tanks, etc., to be under the control of the Municipal Council.

143. (1) The Municipal Council shall, so far as the funds at their disposal may admit, provide a sufficient supply of water fit for the domestic use of the inhabitants of the municipality.

(2) [All public water-courses and springs, and all public] tanks, reservoirs, cisterns, fountains, wells, stand-pipes and other water-works existing at the time of the coming into operation of this Act or afterwards made, laid or erected, and whether made, laid or erected at the cost of the Municipal Council or otherwise, and also any adjacent land (not being private property) appertaining [thereto], shall be under the control and direction of the Municipal Council.

Governor in Council may limit such control.

(3) The Governor in Council may, from time to time, by notification, limit or define such control and direction, and may exclude from the provisions of this section any source of water-supply and any water-works being the property of Government, and may in like manner cancel or modify such notification.

¹ These words were substituted for the words "all public rivers, streams, channels, water-courses, springs" by Mad. Act III of 1897, s. 89.

² The word "thereto" was substituted for the words "to any such works" by Mad. Act III of 1897, s. 89.

144. (1) The Municipal Council may direct, with the sanction of the Governor in Council, the construction of such works as they may deem fit for bringing water into the municipality, and may provide channels, tanks, reservoirs, cisterns, wells, fountains, stand-pipes and other works as they may deem fit for the use of the inhabitants.

Construction of new works.

(2) The Municipal Council may * *¹ cause existing public channels, tanks, reservoirs, cisterns, wells, fountains, stand-pipes and other works used for the supply of water to be maintained and supplied with water;

Maintenance of existing works for supply of water.

or they may close any such works and substitute other such works, and may cause them to be maintained and supplied with water.

Works may be closed and others substituted.

*** 145.** Whenever the Governor in Council has sanctioned any works without the limits of any municipality for bringing water into such municipality, the Municipal Council and their servants may exercise all the powers which, by this Act, they may exercise within the municipality (a) in the construction, maintenance and repair of such works throughout the line of country in which such works are situated or through which they are to run, and, (b) with the sanction of the Governor in Council,—

Powers of the Municipal Council when constructing water-works without the municipality.

(i) over any lake, tank or reservoir from which a supply of water for the use of the municipality is derived and over all lands within one mile of the high-water level of any such lake, tank or reservoir; and

(ii) over any water-course from which a supply of water for the use of the municipality is derived, within one mile above, and one-half of a mile below, any point at which water is taken for such use.

146. (1) The Municipal Council, in laying down any pipes for the water-supply of the municipality, may, if they consider it necessary, carry such pipes through, across or under any street or any place laid out or intended for a street, or under any building or through any cellar or vault or into, through or under any enclosed or other land whatsoever.

Powers of Municipal Council in laying down pipes.

(2) The Municipal Council shall, in every case in which they deal with private property under this section, give reasonable notice of their intention so to do to the owner of such property, and shall pay to him reasonable compensation for so dealing with the property.

Notice to owner of private property and compensation for dealing with it.

¹ The words "at a meeting" were omitted in accordance with s. (2) of Mad. Act III of 1897.

² This section was substituted for the original s. 145 by Mad. Act III of 1897, s. 20. Printed, *infra* p. 993.

Supply of
water to
private
premises.

[147. (1) The Municipal Council may arrange with the owner or occupier of any building or land for the supply of water thereto in such quantities, on such terms, and subject to such conditions, as they may think fit; Provided that no payment shall be demanded on account of water supplied for domestic purposes.]

Council may
limit supply.

(2) The Municipal Council may at any time, for sufficient reason, limit the amount of water to be so supplied whenever they consider it necessary.

Cost of
supply
works
to be borne
by owner or
occupier.

²(3) The works necessary for such supplies and all future repairs, extensions and alterations of such works shall, in every case, be conducted by the Municipal Council, or under their orders, and the expense thereof shall be defrayed by such owner or occupier.

What are
not domestic
purposes.

²(4) A supply of water for domestic purposes shall not include a supply of water for horses or for washing vehicles, where such horses or vehicles are kept for sale or hire, or a supply for any trade, manufacture or business, or for fountains or swimming-baths, or for any ornamental or mechanical purpose, or for purposes of irrigation.

Power to
enter
premises.

148. (1) The Chairman, or any person authorized in that behalf by him, [³ may, at any time between sunrise and sunset and after giving one hour's notice to the occupier of any building or land supplied with water under sub-section (1) of section 147, enter into or upon such building or land,] and examine the condition of any pipes, works and fittings, and ascertain if there be any waste or misuse of water supplied thereto by the Municipal Council.

If obstructed,
or to
prevent
waste,
Chairman
may stop
water.

(2) If the Chairman or such other person * * * is without reasonable cause refused admittance to such building or land for the purpose aforesaid, or is prevented without reasonable cause from making such examination, or [⁵ if it appears to the Chairman that, pending repair, waste of water cannot be otherwise prevented], the Chairman may stop the supply of water to such building or land.

Penalty for
waste or
misuse of
water.

149. The owner or occupier of any building or land, in which water supplied under this Act is wasted or misused from negligence or other circumstances under the control of the said owner or occupier, or [⁶is used] in

¹ This sub-section was substituted for the original sub-s. (1) by Mad. Act III of 1897, s. 91 (1).

² The original sub-s. (3) was repealed and the original sub-ss. (4) and (5) were re-numbered as sub-ss. (3) and (4), respectively, by Mad. Act III of 1897, s. 91 (2).

³ These words were substituted for the original words by Mad. Act III of 1897, s. 92 (1).

⁴ The words "at any such time" were repealed by Mad. Act III of 1897, s. 92 (3).

⁵ These words were substituted for the original words by Mad. Act III of 1897, s. 92 (2).

⁶ The words "is used" were substituted for the word "used" by Mad. Act III of 1897, s. 93.

(Chapter IV.—4. *Water-supply.* Secs. 149-151.)

excess of the quantity fixed * * * ¹ under section 147, or [²is used] for any [³purposes] other than those agreed on, or in whose building or land the pipes, works and fittings for the supply of water are found to be out of repair to such an extent as to cause waste of water, and who, having knowledge thereof, omits⁴ to give reasonable notice thereof to the Chairman, shall be liable to a fine not exceeding rupees twenty for every such neglect, misuse, breach or omission, and shall also pay such costs of the prosecution as shall be awarded.

***149A.** If any person who has been supplied with water under sub-section (1) of section 147 neglects to pay any sum due from him on account of the water and drainage tax levied under section 75 or any sum due from him under section 147, or is convicted of an offence punishable under section 149, the Chairman may stop the supply of water to him by cutting off any pipe laid down for the purpose of such supply or by such other means as he thinks fit, and may recover the amount of the outlay incurred in cutting off the supply from the person in consequence of whose neglect or conviction the supply was stopped.

Chairman may cut off water in case of neglect to pay water-tax, etc.

150. (1) Whoever trespasses upon land belonging to the Municipal Council, along which the water-supply channel is conducted, or the buildings or premises connected with the water-supply, shall be liable to a fine not exceeding rupees twenty.

Penalty for trespassing on channel, land, etc.

(2) If any such person refuses to leave such land, buildings or premises, on being requested to do so by any servant of the Municipal Council, or by any one authorized in that behalf by the Municipal Council, such person shall be liable to a further fine not exceeding rupees fifty, and may be removed from such land or buildings or premises by such servant or other person.

Penalty for refusing to leave land, etc., trespassed upon.

151. Whoever—

Damaging works.

- (i) unlawfully breaks, injures or causes damage to any public channel, tank, reservoir, cistern, well, fountain, stand-pipe or other work connected with the water-supply, or without due authority opens or removes any lock, cock or pipe belonging to, or under the management or control of, the Municipal Council, or,

¹ The words "by the Chairman" were repealed by Mad. Act III of 1897, s. 93.

² The words "is used" were substituted for the word "used" by Mad. Act III of 1897, s. 93.

³ The word "purposes" was substituted for the word "purpose" by Mad. Act III of 1897, s. 93.

⁴ This section was inserted by Mad. Act III of 1897, s. 94. Printed, *infra* p. 993.

(Chapter IV.—4. Water-supply. Secs. 152-154.)

Diverting
water.

- (ii) unlawfully draws off, or takes, water from any water-works belonging to the Municipal Council or under their management or control,

Penalty.

shall, for every such offence, be liable to a fine not exceeding rupees twenty * * * *.¹

(a) Foulmg of Water.

Water
fouled by
offensive
trades.

²152. Whoever, being the occupier of any place where any offensive trade or manufacture is carried on, does any act which causes the defilement of the water in any public water-course or spring, or in any tank, reservoir, well, cistern, aqueduct or other work which belongs to, or is under the control of, the Municipal Council, shall be liable to a fine not exceeding rupees five hundred.

Penalty.

Chairman
may examine
pipes.

153. (1) The [³Chairman], or any person duly authorized by [him] in that behalf, may, after twenty-four hours' notice in writing, lay open and examine any pipe or work belonging to any person mentioned in the preceding section or under his management or control.

If water
fouled,
expense of
examination
to fall on
owners.

(2) If, upon such examination, it appears that any such water has been fouled by anything proceeding from or contained in the pipes or works examined, the expenses of such examination shall be paid by the person to whom such pipes or works belong, or under whose management or control they are.

If water
not fouled,
expense to be
paid by
Municipal
Council.
Council may
set apart
tanks, etc.,
for certain
purposes.

(3) If, upon such examination, it appears that such water has not been so fouled, then such expenses and all damages occasioned to any building, land, pipe or work by the examination shall be paid by the Municipal Council.

⁴154. The Municipal Council may set apart public springs, tanks, wells and other places, and parts of public water-courses, for drinking purposes or for bathing or for washing clothes or animals, respectively, or for any other purpose calculated to promote the health, cleanliness, comfort or convenience of the inhabitants.

¹ The last twenty-two words of the section, repealed by Mad. Act III of 1897, s. 95, are omitted.

² This section was substituted for the original s. 152 by Mad. Act III of 1897, s. 96.

³ The words "Chairman" and "him" were substituted for the words "Municipal Council" and "them," respectively, by Mad. Act III of 1897, s. 97.

⁴ This section was substituted for the original s. 154 by Mad. Act III of 1887, s. 98.

¹ 155. Whoever—

- (i) bathes in, or in any other manner defiles, the water in any place set apart either by the Municipal Council, or, in the case of private property, by the owner thereof, for drinking purposes; or
- (ii) deposits any offensive or deleterious matter in the dry bed of any place set apart as aforesaid for drinking purposes; or
- (iii) washes clothing in any place set apart as aforesaid for drinking or bathing; or
- (iv) washes any animal, or any cooking utensil, or wool, skins or other foul or offensive substance, or deposits any offensive or deleterious matter, in any place set apart as aforesaid for bathing or washing clothes; or
- (v) allows the water from a sink, sewer, drain, engine or boiler, or any other offensive matter belonging to him or flowing from any building or land belonging to, or occupied by, him, to pass into any place set apart as aforesaid for drinking, bathing or washing clothes;

Penalty for using tank, etc., so set apart, for purposes other than those intended.

shall be liable to a fine not exceeding rupees twenty for every such offence.

(b) Private Water-courses, Wells, etc.

156. (1) The [²Chairman] may, by notice, require the owner of, or the person having control over, any private [³water-course, spring,] tank, well or other place, the water of which is used for drinking, [³bathing or washing clothes], to keep and maintain the same in good repair and to clean the same, from time to time, of silt, refuse or decaying vegetation, and may also require him to protect [⁴the same] from pollution by surface drainage in such manner as [⁴the Chairman] may think fit.

Power to require private well, etc., to be cleansed,

⁵(2) And whenever the water of any such water-course, spring, tank, well or other place is proved to the satisfaction of the Municipal Council to be unfit for drinking, bathing or washing clothes, as the case may be, the Municipal Council may, by notice, require the owner or person having control

or closed if unfit for use.

¹ This section was substituted for the original s. 155 by Mad. Act III of 1897, s. 99.

² These words were substituted for the words "Municipal Council" and "Stream, Channel," respectively, by Mad. Act III of 1897, s. 100 (1).

³ These words were inserted by Mad. Act III of 1897, s. 100 (1).

⁴ These words were substituted for the words "any such well" and "they" respectively by Mad. Act III of 1897, s. 100 (1).

⁵ This sub-section was substituted for the original sub-s. (2) by Mad. Act III of 1897, s. 100 (2).

thereof to desist from so using such water or permitting others to so use it, and if, after such notice, such water is used by any person for drinking, bathing or washing clothes, as the case may be, the Municipal Council may require the owner or person having control thereof to close such well, either temporarily or permanently, or to enclose or fence such water-course, spring, tank, well or other place, in such manner as they may direct, so that the water thereof may not be so used.

5. STREETS.

Maintenance and repair of streets.

157. (1) The Municipal Council shall, from time to time, so far as the funds at their disposal may admit, repair the public streets and bridges and maintain them in good order.

Foot-ways.

(2) The Municipal Council may make and maintain foot-ways for the use of passengers in any street, and may place on the sides of such foot-ways such fences and posts as may be needed for the protection of foot-passengers.

Power to make and improve streets and close them, etc.

158. (1) The Municipal Council may * * *¹ lay out and make new public streets, and may construct bridges and tunnels, and may turn, divert or close any public street, and may widen, lengthen, enlarge or otherwise improve any such street :

Provided that the Municipal Council shall make reasonable compensation to the owners and occupiers of any land or buildings which are required for or affected by any such purposes.

Power to take land adjoining new streets for building purposes.

(2) In laying out or making a street, or in turning, diverting, widening, lengthening, enlarging or otherwise improving a street, the Municipal Council may, in addition to the land necessary for such street and the foot-ways thereof, purchase also the land necessary for the buildings to form or improve the said street.

Chairman may temporarily close any street.

159. The [²Chairman] may, by an order in writing, temporarily close any street for repairs, or to carry out any work connected with drainage, water-supply or lighting, or any of the purposes of this Act: Provided that such work shall be completed and such street re-opened for traffic with all reasonable speed.

Interference with public streets, etc.

160. No person shall take up or make any alterations in the pavement or other material, or in the fences or posts of any public street in the municipality without the written permission of the Municipal Council or without lawful authority.

¹ The words "by a resolution passed" and the words "at a meeting" were repealed by Mad. Act III of 1897, ss. 101 and 3 (2), respectively.

² The word "Chairman" was substituted for the words "Municipal Council" by Mad. Act III of 1897, s. 102. Printed, *infra* p. 994.

(Chapter IV.—5. Streets. Secs. 161-163.)

161. (1) Every person intending to lay out and make a new street shall make an application in writing to the Municipal Council for a license to do so.

Private persons laying out new streets to give notice.

(2) Such application shall be accompanied by plans and sections showing—

Notice to be accompanied by plan ;

- (i) the intended level, direction and width of such street,
- (ii) the means of drainage, and
- (iii) the height and dimensions of the buildings to be erected on each side.

(3) If the Municipal Council * *¹ approve of such level, direction, width, means of drainage, height and dimensions, and if such intended new street appears to them to be expedient, they shall, within [²two months] after the receipt of such application, give a written license to lay out such street ; or, if they disapprove of such level, direction, width, means of drainage, height or dimensions, or if such intended street appears to them to be inexpedient, they shall issue an order in writing to the applicant, within [²two months] after receipt of such application, refusing to give a license for making such intended new street.

subject to approval of the Municipal Council.

³[(4) On receipt of such license, or if, within the said period of two months, the Municipal Council has not issued an order refusing to give a license, the applicant may proceed to lay out and make the intended new street in accordance with the particulars specified in his application and the accompanying plans and sections.]

When applicant may proceed to make street.

162. If any street (not being a public street) or any part thereof is not levelled, paved, metalled, flagged, channelled and drained to the satisfaction of the Municipal Council, they may, by notice to the owners or occupiers of the land or buildings fronting or abutting upon such street or part thereof, require them to carry out, within a time to be specified in such notice, any work which, in the opinion of the Municipal Council, ought to be carried out in such street or part thereof.

Paving, etc., of private streets.

163. (1) After such street has been so levelled, paved, metalled, flagged, channelled and drained, on the requisition of the Municipal Council, or by

Such private street shall, on the

¹ The words "at a meeting" were omitted in accordance with s. 3(2) of Mad. Act III of 1897.

² The words "two months" were substituted for the words "one month" by Mad. Act III of 1897, s. 103(1).

³ This sub-section was substituted for the original sub-s. (4) by Mad. Act III of 1897, s. 103(2).

requisition of the owners, be declared to be public street.

Other private streets may be declared to be public streets.

Regular line of street.

When projecting buildings fall down, etc., the Chairman may acquire intervening land and require buildings to be set back, &c. Compensation to owners of such buildings. Lands so acquired to be part of the public street. Buildings may be set forward for improving line of street. Owners and occupiers to construct culverts.

the Municipal Council, as [1 provided in section 264], at the expense of the owners or occupiers, such street shall, on the requisition of the owners thereof be declared by the Municipal Council to be a public street and shall thenceforth be a public street.

(2) The Municipal Council may agree with the person or persons in whom the property in any street is vested to take over the property therein, [2 and shall], after such agreement, declare, by notice, put up in any part of such street, that the same has become a public street. Such street shall thereupon vest in the Municipal Council, and shall thenceforth be dealt with in the manner provided for public streets.

164. The Municipal Council may prescribe a line on each side of any public street within which, except under the provisions of section 169, no portion of any building abutting on the said street shall, after such line has been prescribed, be constructed.

A line so prescribed shall be called "the regular line of the street."

165. (1) When any building or any part thereof which projects beyond the regular line of a public street falls down or is burnt down or is taken down under section 180 or otherwise, the Chairman may at once take possession on behalf of the Municipal Council of the portion of the land within the regular line of the street theretofore occupied by the said building, and if necessary, clear the same; the Chairman may also require such building or part thereof to be set back to the regular line of the street.

(2) The Municipal Council shall make reasonable compensation to the owner of such building for any damage which he may sustain by any action taken under sub-section (1).

(3) Land acquired under this section shall thenceforward be deemed a part of the public street and shall vest as such in the Municipal Council.

165A. The Municipal Council may, upon such terms as it thinks fit allow any building to be set forward for improving the line of any public street in which such building is situated.

166. The Municipal Council may by notice require—

- (i) the owners or occupiers of lands or buildings skirting public streets or roads to construct, alter, maintain and keep free from all

¹ These words were substituted for the words "hereinafter provided" by Mad. Act III of 1897, s. 104 (1).

² The words "and shall" were substituted for the words "and may" by Mad. Act III of 1897, s. 104 (2).

³ Ss. 164, 165 and 165A were substituted for the original ss. 164 and 165 by Mad. Act III of 1897, s. 105.

obstruction culverts of such sufficient plan, size and material as the Municipal Council may direct, over the side channels or ditches, at the entrances to such land or buildings;

- (ii) the [owner or occupier of any building] in any public street to put up and maintain proper troughs and pipes for catching and carrying the water from the roof and other parts of such building, and for discharging the same in such manner as the Municipal Council may allow; and
- (iii) the owners [or] occupiers of all buildings or premises adjoining a public thoroughfare to keep the external walls of such buildings or premises in proper repair to the satisfaction of the Municipal Council,

Troughs and pipes to be fixed to buildings.

External wall to be kept in proper repair.

and the Municipal Council shall fix in such notice a period for the execution of such work.

(a) Projections and Obstructions.

167. (1) No wall, fence or other obstruction or encroachment in any public street, [³ and no wall or fence bounding, or abutting on, any public street], shall be erected without the written permission of the Municipal Council, nor shall any door, gate, bar or window be made without such permission so as to open outward on any public street.

Obstructions and bounding walls not to be made without permission.

(2) If any door, gate, bar or window be made so as to open outwards on any public street, the Municipal Council may, by notice, require the owner or occupier of the premises to which the same is attached to cause the same to be altered, [⁴ within a time to be specified in such notice, so as not to open outwards].

Owner or occupier to alter doors, etc., opening outwards.

168. (1) The Municipal Council may cause any projection, encroachment or obstruction made against or in front of any building or land in any public street * * * * *⁵ to be removed or altered as they think fit.

Removal of existing projections, etc.

(2) The Municipal Council shall give notice of such intended removal or alteration to the owner or occupier of the building or land against or in front of which such projection, encroachment or obstruction has been made, thirty days before such alteration or removal is begun.

Notice of removal.

¹ These words were substituted for the original words by Mad. Act III of 1897, s. 106 (1).

² The word "or" was substituted for the word "and" by Mad. Act III of 1897, s. 106 (2).

³ These words were inserted by Mad. Act III of 1897, s. 107 (1).

⁴ These words were substituted for the original words by Mad. Act III of 1897, s. 107 (2).

⁵ The words "before the coming into operation of this Act" were repealed by Mad. Act III of 1897, s. 108.

Compensation when to be made.

(3) If such projection, encroachment or obstruction shall have been lawfully made, the Municipal Council shall make reasonable compensation to every person who suffers damage by such removal or alteration.

Owners and occupiers to apply for license to put up verandah, etc.

169. (1) [¹ Every person] intending to put up any verandah, balcony, sunshade, weather-frame or the like, to project over the pyafs and pavements in front of [¹ any building or land in a public street] or over[¹ such street], shall apply in writing to the Municipal Council for a license to do so.

Municipal Council may grant license.

(2) The Municipal Council may in their discretion grant a license in writing to erect such projection, provided that it does not extend over the street to a distance exceeding five feet from the line of frontage and is not of a height above the street of less than seven feet, and provided also that no license shall be granted if the projection is likely to cause public inconvenience.

Permissibility of temporary erections on occasions of festivals, etc.

170. Notwithstanding anything hereinbefore contained, the [² Chairman] may by a license allow any temporary erections in a street on occasions of [³ fairs,] festivals and ceremonies.

License to be obtained and hoarding to be set up during repairs.

171. Every person intending to build or take down any building, or to alter or repair the outward part of any building, where any street or foot-way is likely to be obstructed or rendered inconvenient by means of such work, shall, before beginning the same, obtain a license in writing from the [⁴ Chairman] so to do, and shall cause sufficient hoarding or fences to be put up, in order to separate the building where such works are being carried on from the street or foot-way, and shall maintain such hoarding or fences in good condition, to the satisfaction of the [⁴ Chairman], during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night :

The same to be lighted during night.

[⁵ Provided that no person shall keep up the said hoarding or fences for a time longer than allowed in the said written license.]

Precaution against accidents. Bars to be erected across streets

172. (1) The Municipal Council shall, during the construction or repair of any street, drain or other premises vested in them, take proper precaution for guarding against accidents, by shoring up and protecting the adjoining houses, and shall cause such bars, chains or posts to be fixed across or in any

¹ These words were substituted for the first eleven words and for the words "the same" and "the street," respectively, by Mad. Act III of 1897, s. 109.

² The word "Chairman" was substituted for the words "Municipal Council" by Mad. Act III of 1897, s. 110.

³ The word "fairs" was inserted by Mad. Act III of 1897, s. 110.

⁴ The word "Chairman" was substituted for the words "Municipal Council" by Mad. Act III of 1897, s. 111.

⁵ This proviso was inserted by Mad. Act III of 1897, s. 111. Printed, *infra* p. 995.

street in which any such work is going on as they deem necessary in order to prevent the passage of vehicles or animals [¹ or to] avert danger. during repairs.

(2) The Municipal Council shall cause every such street, drain or other work, during the construction or repair thereof, to be sufficiently lighted and guarded during the night. To be lighted and guarded at night.

(3) Whoever takes down, alters or removes any such bar, chain or post, or extinguishes any such light, without the authority of the Municipal Council, shall be liable to a fine not exceeding rupees twenty. Penalty for removing bar or light.

² 173. No person shall make any hole or cause any other obstruction, in any street, without the written permission of the Chairman. If such permission is granted, the person making such hole or obstruction shall, at his own expense, cause the same to be sufficiently fenced or otherwise enclosed until the hole is filled up or otherwise made secure or until the obstruction is removed, as the case may be, and shall similarly cause the same to be sufficiently lighted at night. If any person contravenes the provisions of this section, the Chairman may fill up the hole or remove the obstruction or cause the same to be lighted, as the case may be, and may recover the cost of so doing from such person. Holes and other obstruction in streets not to be made without Chairman's permission.

³ 173A. If any obstruction is caused in a public street by the fall of trees, buildings or fences, the occupier of the building or land concerned shall, within twelve hours of the occurrence of such fall or within such further period as the Chairman may allow, clear the street of such obstruction; and, if the said occupier fails so to do, the Chairman may remove the obstruction, and may recover the cost of so doing from the owner or occupier. The occupier may recover from the owner all reasonable costs incurred by him under this section. Débris of fallen houses, etc., to be removed by occupier.

(b) Names of Streets.

174. (1) The Municipal Council may, from time to time, cause to be put up or painted in English and a Vernacular language of the district on a conspicuous part of some building, or place, at or near each end, corner or entrance of every street, the name by which such street is to be known. Names of streets.

(2) Whoever destroys, pulls down, damages or defaces any such name, or puts up any name different from that put up by order of the Municipal Council, shall be liable to a fine not exceeding rupees twenty. Penalty for defacing etc.

¹ The words "or to" were substituted for the word "and" by Act Mad. III of 1897, s. 112.

² This section was substituted for the original s. 173 by Mad. Act III of 1897, s. 113.

³ This section was inserted by Mad. Act III of 1897, s. 114.

(c) *Watering and Lighting Streets.*Streets may
be watered,

175. (1) The Municipal Council may cause the streets to be watered, and for that purpose may provide such works and engines as they think necessary.

and lighted.

(2) The Municipal Council may cause the streets to be lighted, and for that purpose may provide such lamps and works as they think necessary.

(d) *Fences and Hedges.*Power to call
on owner or
occupier to
maintain
fences, or
trim hedges
and trees.

176. The Municipal Council may by notice require the owner [1or] occupier of any land [1to construct and maintain sufficient fences for such land or to trim the hedges thereof] so that they may not exceed such height from the level of the adjoining roadway as the Municipal [2Council] may from time to time determine, and to trim all trees which, by overhanging any public street, obstruct the passage or cause damage thereto, within a time to be specified in such notice.

6. BUILDINGS.

Power to
erect
buildings
on vacant
ground.

177. The Municipal Council may erect buildings on any vacant land vested in them, and may lease the same on such terms as they deem fit.

Power to
erect or affix
to buildings
brackets, etc.

178. The Municipal Council, or other person authorized by them in writing, may erect or fix to the outside of any building such brackets for telegraphic or telephonic wires or for lamps as they may deem necessary * * * * *

Roofs and
external
walls of
buildings
not to be
made of
inflammable
materials.

179. The external roofs, verandahs, pandals and walls of buildings erected or renewed after the coming into operation of this Act shall not be made of grass, leaves, mats or other such inflammable materials except with the written permission of the Municipal Council.

Application
to be made
if well or
building is
to be con-
structed.

180. (1) Every person intending to construct, re-construct or extend a well or a building (other than a mere wall) shall, six weeks before beginning to construct, re-construct or extend it, make an application in writing to the Municipal Council for a license to do so.

¹ These words were substituted for the original words by Mad. Act III of 1897, s. 115.

² This word was substituted for the word "Councillors" by Mad. Act III of 1897, s. 115.

³ The last sentence of this section was repealed by Mad. Act III of 1897, s. 116.

⁴ This section was substituted for the original s. 180 by Mad. Act III of 1897, s. 117. Printed, *infra* p. 996.

(Chapter IV.—6. Buildings. Sec. 180.)

(2) Such application shall be accompanied by such particulars as the Municipal Council may require under bye-laws framed in this behalf, and shall further be accompanied,—

What is to accompany such application.

(i) in the case of buildings, by—

(a) a plan or statement showing the dimensions of the building and the levels at which it is intended to lay the foundation and lowest floor; and

(b) a statement showing the means of ventilation and drainage and the privies which it is intended to provide; and

(ii) in the case of wells, by a statement showing the dimensions of the well, the manner in which it is to be fenced and, if the well is to be used for drinking purposes, the means which it is intended to take to prevent pollution of the water.

(3) Subject to the provisions of sub-section (4), the Municipal Council shall, within six weeks after receipt of the said application, give a license for the construction, re-construction or extension of the well or building in respect of which the application is made.

Orders to be passed in six weeks.

(4) If the Municipal Council see reason to object, in respect of a building, (a) to the proposed levels of the foundation or lowest floor, (b) to the proposed means for ventilation or drainage, (c) to the proposed latrine-accommodation, or (d) to any particular given in respect of such building under bye-laws framed as aforesaid; or, if they see reason to object, in respect of a well, (a) to the proposed fencing, (b) to the proposed means of protection from pollution, or (c) to any particular given in respect of such well as aforesaid,—they shall specify in the license the alterations in such levels, means, accommodation, fencing or particular which they consider to be necessary, and the person to whom the license is granted shall be bound to carry out such alterations.

Council may refuse to grant license unless certain conditions complied with.

(5) On receipt of the said license, or if, within the said period of six weeks, the Municipal Council have not granted a license, the applicant may proceed to construct, re-construct or extend, as the case may be, the building or well, in accordance with the particulars, plan (if any) and statement which accompanied his application.

When applicant may proceed with work.

(6) The Municipal Council may exempt any hut or group of huts from the operation of this section and section 179.

Council may exempt huts from the provisions of this section and section 179.

Chairman
may stop
construction,
etc., of
building or
well.

¹ 181. The Chairman may at any time stop the construction, re-construction or extension of any building or well, if he considers that such construction, re-construction or extension endangers human life, or if it has been undertaken or is being carried out in contravention of the provisions of section 180.

Prevention
of crowding
of huts.

² 181A. No hut or shed shall be built within fifty yards of any range, group or block of five or more huts or sheds without the permission in writing of the Municipal Council.

The Municipal Council may refuse to grant permission or may require that such hut or shed shall be—

- (a) built in such a position as they consider necessary for the purpose of ventilation and conservancy ;
- (b) provided with such number of privies and with such means of drainage as they consider necessary ;
- (c) built at such a level as will admit of drainage ; and
- (d) provided with a basement or plinth at least two feet above the level of the nearest public street or road.

Council
may direct
removal of
hut built
without
permission.

² 181B. If any such hut or shed be built without the permission of the Municipal Council or otherwise than as required by the Council, the Municipal Council may give notice to the owner thereof or of the ground upon which the same is built or is being built, by affixing a notice to some conspicuous part of the hut or shed, to take down and remove the same within one month, or to effect such alterations as the Municipal Council may deem necessary.

(a) Numbers on Houses.

Numbers on
buildings.

182. (1) The [³Chairman] may, from time to time affix a number in a conspicuous place to the outer door or side of any building, or at the entrance of the enclosure thereof fronting the street.

Penalty for
defacing.

(2) Whoever destroys, pulls down, damages or defaces any such number shall be liable to a fine not exceeding rupees five.

(b) Ruinous or Deserted Buildings and Dangerous Places.

Chairman
shall provide

⁴ 183. (1) If any building or tree or thing attached thereto appears to the Chairman to be likely to fall or to be in any other way dangerous to the

¹ This section was substituted for the original s. 181 by Mad. Act III of 1897, s. 118.

² Ss. 181A and 181B were inserted by Mad. Act III of 1897, s. 119.

³ The word "Chairman" was substituted for the words "Municipal Council" by Mad. Act III of 1897, s. 120.

⁴ This section was substituted for the original s. 183 by Mad. Act III of 1897, s. 121.

(Chapter IV.—6. Buildings. Secs. 184-186.)

safety of any person or to the security of any building, he shall immediately cause such building, tree or thing to be fenced or otherwise secured in such manner as he thinks necessary and may recover the cost of so doing from the owner or occupier of the premises to which such building, tree or thing belongs.

temporarily
for safety of
ruinous
buildings,
etc.

(2) The Municipal Council may also give notice to the owner or occupier of the premises to which such building, tree or thing belongs, requiring him, within a time to be specified in such notice, to take such further order with such building, tree or thing as they think necessary.

Council may
order owner
or occupier
of such
building to
take further
steps.

184. If any building or land, by reason of abandonment, disuse, disputed ownership or other cause, remains untenanted and thereby becomes a resort of idle and disorderly persons, or, in the opinion of the Municipal Council, in any manner becomes a nuisance, the Municipal Council, after due inquiry, may give notice to the owner, or to the person claiming to be the owner, if he be known and resident within the municipal limits, requiring the persons concerned therein, whoever they may be, to secure, enclose, clear or cleanse the same within a time to be specified in such notice, and shall also cause such notice to be put on the door or some conspicuous part of the building or land.

Power to re-
quire owner
to secure,
enclose, etc.,
deserted
buildings
and lands.

185. If any building, tank, well or hole, or other place, whether on public or private ground, is, for want of sufficient repair, protection or enclosure, dangerous to the public health or safety, the Municipal Council may, by notice, require the owner or occupier of such place or of the land on which such building, tank, well or hole is situated to cause the same to be repaired, protected or enclosed, so as to prevent danger therefrom, within a time to be specified in such notice.

Dangerous
places to be
repaired or
enclosed.

¹ 185A. If, after reasonable enquiry, it appears to the Municipal Council that there is no owner or occupier to whom notice can be given under sections 183, 184 or 185, as the case may be, they may themselves take such order with the property mentioned in those sections as may appear to them to be necessary and may recover the expense incurred by them by the sale of such property (not being land) or of any portion thereof.

Council may
take action
if there is no
owner or
occupier.

(c) *Unwholesome Buildings and Lands.*

186. ² (1) The Municipal Council may, by general or special notice—

(a) direct the removal of prickly-pear growing within municipal limits;

Council
may direct
cleansing

¹ S. 185A was inserted by Mad. Act III of 1897, s. 122.

² This sub-section was substituted for the original sub-s. (1) of the section by Mad. Act III of 1897, s. 123. Printed, *infra* p. 996.

(Chapter IV.—6. Buildings. Sec. 187. 7. Offensive and Dangerous Trades. Sec. 188.)

clearing of
filthy build-
ings and
lands.

(b) prohibit the planting of wild croton, prickly-pear, wattle, lantana or other noxious vegetation; or

(c) require the owner or occupier of any building or land, which is in their opinion in a filthy or unwholesome state, or which is overgrown with trees or with wild croton, wattle, lantana or other noxious vegetation, to cleanse, clear or otherwise put the same in a proper state within a time to be specified in such notice.

Council may
require occu-
pier of filthy
building to
limewash the
same.

(2) The Municipal Council, or any person generally or specially authorized by them in writing in this behalf, may, by notice addressed to the occupier of any such building, direct all or any part thereof to be internally and externally limewashed or otherwise cleansed in the manner and within a time to be specified in such notice.

(d) *Removal of Buildings.*

Power of
Municipal
Council in
case of over-
crowded
buildings,
etc.

Notice to be
affixed
requiring
owner or
occupier to
execute
works; or
take action.

Municipal
Council may,
with sanction
of Govern-
ment, pull
down
buildings.

Compensa-
tion to be
made in
respect of
buildings
pulled down.

187. (1) Whenever the Municipal Council consider that any block of buildings in the municipality is, by reason of the manner in which such buildings are crowded together or of the want of drainage or ventilation and the impracticability of cleansing, attended with risk of disease to the occupiers thereof or to the inhabitants of the neighbourhood, they may cause a notice to be fixed to some conspicuous part of such block, requiring the owners or occupiers thereof, or, at the option of the Municipal Council, the owner of the land on which such buildings are erected, within a reasonable time to be specified in such notice, to execute such works or take such action as the Municipal Council deem necessary for the prevention of such risk.

(2) If such owners or occupiers neglect to execute such works or take such action within the time specified, the Municipal Council may, with the sanction of the Governor in Council, cause such works to be executed or such action to be taken in respect of such buildings, and may, if necessary, cause such buildings or any of them to be pulled down.

(3) In cases where under this section a building is pulled down, the Municipal Council shall make to the owner or occupier thereof a reasonable compensation.

7. OFFENSIVE AND DANGEROUS TRADES.

If Council
so direct,
certain

¹ 188. (1) At any time, not being less than sixty days before the end of a financial year, the Municipal Council may notify by beat of drum and by

¹ This section was substituted for the original s. 188 by Mad. Act III of 1897, s. 124.

(Chapter IV.—7. Offensive and Dangerous Trades. Sec. 188.)

notice in the District Gazette that, after the commencement of the following financial year, no place shall be used for any one or more of the purposes specified in the following clauses (a) to (q), unless a license authorizing such use has been obtained from the Chairman :—

trades shall not be exercised without license.

- (a) for depositing or washing soiled clothes ; or
- (b) for boiling paddy, camphor or oil ; or
- (c) for melting tallow or sulphur ; or
- (d) for storing, or otherwise dealing with, manure, offal, blood, bones, rags, hides, fish, horns or skins ; or
- (e) for washing or drying wool or hair ; or
- (f) for making fish-oil ; or
- (g) as a soap-house, dyeing-house, dyeing-yard, oil-mill, oil-press, brick-kiln, pottery-kiln or lime-kiln ; or
- (h) as a sago-manufactory, distillery, manufactory of artificial manure or other manufactory from which offensive or unwholesome smells arise ; or
- (i) as a gunpowder manufactory or manufactory of fire-works ; or
- (j) for the storage of explosive or combustible materials ; or
- (k) for purposes which are likely to be dangerous to human life or health or to property ; or
- (l) as a livery-stable, veterinary infirmary, cart-stand or cattle-shed or as horse-lines ; or
- (m) as a public halting-place ; or
- (n) for keeping together twenty or more sheep or goats or ten or more pigs or head of cattle ; or
- (o) for the preparation of flour or articles made of flour ; or
- (p) as a manufactory of ice or of aerated waters ; or
- (q) for the sale or storage of timber, firewood, thatching-materials, hay, grass, straw, fibre or coal, or of milk or dairy produce :

Provided that no license shall be required for the storage of timber, firewood, thatching-materials, hay, grass, straw, fibre or coal, or of milk or dairy produce, for private use, in such quantities and under such restrictions for safety as the Chairman may direct.

(2) After the issue of a notification under sub-section (1), the following provisions shall apply in respect of all places used for any of the purposes mentioned in the notification, namely :—

Licenses to be applied for thirty days in advance.

- (i) every person intending to open newly any such place shall, not less than thirty days before opening it, apply to the Chairman for a license to do so ;

(ii) the owner or occupier of every place falling under clauses (a) to (p) of sub-section (1) and the occupier of every place falling under clause (q) of that sub-section who intends to continue to use it for any of the said purposes shall, not less than thirty days before the expiry of a financial year, apply to the Chairman for a license to continue to so use it during the following financial year.

Chairman
may grant,
refuse or
cancel
license.

(3) The Chairman may, at his discretion, grant any license applied for under this section either unconditionally or subject to such rules as to supervision and inspection and to such conditions as to conservancy and other matters as he thinks proper; or he may refuse to grant any such license. He may also at any time suspend, cancel or modify any license which has been granted under this section.

Licenses
expire at end
of year.

(4) Every license granted under this section shall expire at the end of the financial year in which the place in respect of which the license has been granted is newly opened, or at the end of the financial year for which it has been granted, as the case may be; unless, for special reasons, the Chairman considers that it should expire at an earlier date, when it shall expire at such earlier date as may be specified therein.

When appli-
cant may use
place without
license.

(5) If the Chairman neglects to pass orders upon an application for a license under this section and to communicate the same to the applicant within thirty days after the receipt of the application, the applicant may open the place in respect of which the application was made or, as the case may be, may continue to use the same during the financial year for which the license was sought; and the said place shall be held to be duly licensed for the financial year during which it was opened or for which the license was sought, as the case may be.

Orders of
Chairman
subject to
appeal.

(6) Every order passed by the Chairman under this section attaching conditions to the grant of a license or refusing, suspending, cancelling or modifying a license shall be in writing and shall state the grounds on which it proceeds, and any person aggrieved by such order may, within one month after receipt of such order, appeal to the Municipal Council, who shall pass such orders thereon as they deem fit.

Penalty for
using place
without
license.

189. Whoever, without such license, or after a license has been refused, cancelled or suspended, uses or permits to be used any place for any of the said purposes, or infringes any of the conditions under which such license is granted, shall be liable to a fine not exceeding rupees one hundred. *****¹

¹ The last twenty words of this section were repealed by Mad. Act III of 1897, s 125.

(Chapter IV.—7. *Offensive and Dangerous Trades.* Sec. 190. 8. *Slaughter-houses, etc.* Secs. 191-192.)

(a) *Provision of cart-stands, etc.*

190. ¹(1) The Municipal Council may, from time to time, provide places for the purpose of being used as cart-stands, [²public landing-places] or public halting-places, and may levy fees for the use thereof.

Council may provide cart-stands, etc.

¹(2) If, upon demand by the person authorized to collect, on behalf of the Municipal Council, fees for the use of any such cart-stand, landing-place or halting-place, any person has refused or neglected to pay the prescribed fee, the provisions of sections 95 and 96 shall, *mutatis mutandis*, apply.

If fee for use of cart-stand, etc., not paid, property may be seized.

¹(3) A statement, in English and a Vernacular language of the district, of the fees prescribed by the Municipal Council for the use of cart-stands, public landing-places and public halting-places shall be put up in a conspicuous part of every place where they are leviable.

Table of fees to be put up.

8. SLAUGHTER-HOUSES, ETC.

191. (1) The Municipal Council shall provide a sufficient number of places for the purpose of being used as public slaughter-houses, and may levy a fee on each animal slaughtered therein, at rates not exceeding one rupee for every head of cattle, and annas two for every sheep, goat or pig.

Municipal Council to provide slaughter-houses.

(2) No place in any municipality shall be used as a slaughter-house or for the slaughtering of any animal intended for food, or for selling or storing for sale [³any flesh [⁴or fish] intended for food], unless a license for such use thereof has been previously obtained from the Chairman :

Slaughter-houses and butchers' shops to be licensed.

⁴ Provided that no license shall be required for a place used for the selling or storing for sale of preserved flesh or fish contained in air-tight and hermetically sealed receptacles.

(3) No cattle, sheep, goat or pig shall be slaughtered within the municipality except in a public or licensed slaughter-house.

No animal to be slaughtered except in slaughter-house, or except during festivals.

(4) The Chairman may permit the slaughtering of any animal in such place or places as he thinks fit on occasions of festivals and ceremonies or as a special measure.

192. Whoever slaughters, or permits to be slaughtered, cuts up or skins, or permits to be cut up or skinned, any cattle, sheep, goat or pig, at any

Penalty for slaughtering except at a

¹ This paragraph, which was the original section, was made sub-s. (1), and sub-ss. (2) and (3) were added to the section, by Mad. Act III of 1897, s. 126.

² These words were inserted by Mad. Act III of 1897, s. 126 (1).

³ These words were substituted for the words "the flesh thereof" by Mad. Act III of 1897, s. 127. Printed *infra* p. 996.

⁴ The words "or fish" and the proviso to sub-s. (2) were inserted by the Madras District Municipalities (Amendment) Act, 1899 (I of 1899). Printed *infra* p. 1020.

slaughter-house or drying skins so as to cause nuisance.

place within the municipality other than a public or licensed slaughter-house or place, except with the written permission of the Chairman, or whoever dries, or permits to be dried, any skin, in such a manner as to cause a nuisance, shall be liable to a fine not exceeding rupees twenty for each animal or skin.

Government places exempted.

193. The provisions of sections 188, 189, 191 and 192 shall not apply to places used by Government for the purposes mentioned in the said sections.

9. MARKETS.

Council may declare a place to be a market.

193A. The Municipal Council may declare any place ordinarily used for the sale of meat, fish, fruit, grain, vegetables or other perishable articles of food, or for the sale of livestock or poultry, to be a market; Provided that no such declaration shall be made in respect of any single shop or of any group of shops not being more than three in number and that any such declaration may at any time, but subject to the provisions of sub-section (2) of section 194, be cancelled by the Municipal Council.

(a) Public Markets.

Municipal Council may charge rents and fees for use of public markets.

194. (1) The Municipal Council may * * * charge such rents * * * and fees as they may deem fit for the use of, or right to expose goods for sale in, [public markets], and for the use of shops, stalls, sheds, pens and standings therein.

Municipal Council may close public markets with sanction of Government.

(2) The Municipal Council may, * * * with the sanction of the Governor in Council, * * * close any such market or any part thereof.

Power to expel persons breaking regulations and to determine lease.

(3) The [Chairman] may expel from any such market any person who or whose servants may be convicted of disobeying any bye-law made for the regulation and control of such market, and may prevent such person, by himself or his servants, from further carrying on any trade or business in such market, or occupying any stall, shop or other place therein, and may determine any lease or tenure which such person may have in any such stall, shop or other place.

¹ S. 193A was inserted by Mad. Act III of 1897, s. 128.

² Words repealed by Mad. Act III of 1897, s. 129 (1), are omitted.

³ These words were substituted for the words "such markets" by Mad. Act III of 1897, s. 129 (1).

⁴ The words "at a meeting" were omitted in accordance with s. 3 (2) of Mad. Act III of 1897.

⁵ The words "determine to" were repealed by Mad. Act III of 1897, s. 129 (2).

⁶ The word "Chairman" was substituted for the words "Municipal Council" by Mad. Act III of 1897, s. 129 (3). Printed *infra* p. 996.

(Chapter IV.—9. Markets. Secs. 195-197.)

195. Whoever, without the permission of the Municipal Council, sells or exposes for sale any article within a public market shall be liable to a fine not exceeding rupees twenty for each offence.

Penalty for selling in public market without permission.

(b) Private Markets.

196. (1) No place shall be used as a private market unless the Municipal Council have granted a license so to use it.

Private markets to be licensed.

(2) Applications for licenses to open newly, or to continue to use, private markets shall be made by the owners thereof not less than thirty days before they open them or before the commencement of the financial year during which they intend to continue to use them, as the case may be.

Applications for licenses to be made thirty days in advance.

(3) The Municipal Council may, at their discretion, grant any license applied for under this section either unconditionally or subject to such rules as to supervision and inspection and to such conditions as to conservancy and other matters as they think proper; or they may refuse to grant any such license. They may also at any time suspend, cancel or modify any license which has been granted under this section.

Council may grant, refuse or cancel licenses.

(4) When a license to open a market is granted or when a license is refused, suspended, cancelled or modified under this section, the Municipal Council shall cause a notice of such grant, refusal, suspension, cancellation or modification, in English and a Vernacular language of the district, to be posted in some conspicuous place at or near the entrance to the place in respect of which the license was sought.

Notice of grant, etc., of license to be posted up.

(5) Every license granted under this section shall expire at the end of the financial year in which the market in respect of which the license has been issued is newly opened, or at the end of the financial year for which it has been granted, as the case may be.

Licenses to expire at end of year.

(6) If the Municipal Council neglect to pass orders upon an application for a license under this section and to communicate the same to the applicant within thirty days after the receipt of the application, the applicant may open the place in respect of which the application was made or, as the case may be, may continue to use such place during the financial year for which the license was sought; and the said place shall be held to be duly licensed for the financial year during which it was opened or for which the license was sought, as the case may be.

When market may be used without license.

197. Every person who sells, or exposes for sale, any article in an unlicensed private market shall be liable to a fine not exceeding twenty rupees.

Penalty for selling in unlicensed private market

¹ This section was substituted for the original s. 196 by Mad. Act III of 1897, s. 180.

² This section was substituted for the original s. 197 by Mad. Act III of 1897, s. 181.

Explanation.—A market is unlicensed within the meaning of this section if the license for the use thereof has expired or has been cancelled or suspended.

198. [*Owner to apply for license yearly.*] *Rep. by Mad. Act III of 1897 s. 3 (1).*

199. [*Penalty where license has been refused.*] *Rep. by Mad. Act III of 1897, s. 3 (1).*

Private
markets to
be properly
drained, etc.

200. Every owner, farmer or occupier of [any private market] shall—

- (i) construct such [²approaches, entrances, passages, gates,] drains and cess-pits therein as the Municipal Council direct ;
- (ii) cause such market to be roofed and paved with such materials and in such manner, and provided with such latrines and urinals, of such description and in such position and number, as the Municipal Council direct ;
- (iii) provide for such supply of water to such market as the Municipal Council direct ; and
- (iv) make such alterations in the stalls, passages, shops, doors or other parts of the said market or place as the Municipal Council direct.

Penalty for
default to
drain, etc.

201. (1) If such owner, farmer or occupier, after notice given to him by the Municipal Council directing him to carry out within a period to be specified in the notice any of the measures provided in the last preceding section, fails to comply with such notice, the Municipal Council may suspend, withhold or refuse the license until the notice shall have been complied with ; and any person opening or keeping open any such market after such withholding, suspension or refusal shall be liable to a fine not exceeding rupees twenty for every day [³on which he is convicted of having opened or kept open such market or place].

Penalty for
not keeping
private
market
properly,
or for not
abating
nuisance, or
for obstruct-
ing.
Power to

(2) Any owner, farmer, occupier, agent or manager in charge of any [such] market, or of any shop, stall, shed or other place therein, who keeps the same so that it is a nuisance, or who does not cause anything that is a nuisance to be at once removed to a place to be notified by the Municipal Council, shall be liable to a fine not exceeding twenty rupees for each offence.

202. The Municipal Council or any officer duly authorized by them in

¹ These words were substituted for the original words by Mad. Act III of 1897, s. 132.

² These words were inserted by Mad. Act III of 1897, s. 132.

³ These words were substituted for the original words by Mad. Act III of 1897, s.

1 33(1).

⁴ The word "such" was inserted by Mad. Act III of 1897, s. 133 (2).

(Chapter IV.—9. Markets. Secs. 203-204.)

that behalf may close [¹any private market in respect of which no license has been applied for, or any private market] the license for which has been refused, withheld or suspended. close private market.

(c) General.

203. (1) The Municipal Council may, from time to time, by notification, by beat of drum and by publication in the District Gazette, prohibit the sale, or exposure for sale, of any articles in or upon any specified public street or part of such street, and may, in like manner, cancel, suspend or modify such prohibition. Municipal Council may prohibit sale in street.

(2) Whoever, after such notification, sells, or exposes for sale, any articles in any such street against the terms of such notification, shall be liable to a fine not exceeding rupees ten.

204. (1) [²The Chairman], or any person appointed by [³him] in writing for that purpose, may at all reasonable times enter into and inspect any place used for the sale, either wholesale or by retail, or for the storing, of articles of human food or drink intended for sale, or wherein such articles may be detained, and may examine any such articles which are therein. Chairman may enter and inspect places for sale or storage of articles of food or drink.

(2) If it appears to the [⁴Chairman] or such person that any such articles are unfit for human food or drink, * * * he may detain the same, and [⁵may cause them to be produced before any Magistrate]. Such articles if unwholesome may be detained and produced before Magistrate.

(3) If the Magistrate finds that such articles are unfit for human food or drink, he shall order the same to be destroyed, or so disposed of as to prevent their being exposed for sale or used for human food or drink. Magistrate may order the same to be destroyed.

(4) If the Magistrate finds that the articles so detained were fit for human food or drink, he may make an order [⁶directing the Chairman] to Magistrate may return articles if in good condition, and

¹ These words were substituted for the words "any market" by Mad. Act III of 1897, s. 134.

² The words "Chairman" and "him" were substituted for the words "Municipal Council" and "them," respectively, by Mad. Act III of 1897, s. 135 (1).

³ The word "Chairman" was substituted for the words "Municipal Council" by Mad. Act III of 1897, s. 135 (2).

⁴ The words "they or" were repealed by Mad. Act III of 1897, s. 135 (2).

⁵ These words were substituted for the original words by Mad. Act III of 1897, s. 135 (2).

⁶ These words were substituted for the words "upon the Municipal Council" by Mad. Act III of 1897, s. 135 (3).

(Chapter IV.—9. Markets. Secs. 205-205A. 10. Latrines, etc.
Secs. 206-207.)

order com-
pensation for
loss, etc.

return such articles, or such portion thereof as may be in good condition, to the owner, or to the person in whose possession such articles were found, and to pay to him [¹from the municipal fund] such reasonable amount as the Magistrate considers will compensate such owner or person for any loss or depreciation that may have been caused by such detention.

Inspection of
weights and
measures.

205. The [²Chairman], or any persons appointed by [²him] in that behalf, may examine and test the weights and measures used in markets and shops in the municipality with a view to the prevention and punishment of offences relating to such weights and measures under Chapter XLII of the Indian Penal Code³.

XLV of 1860.

Certain
persons may
be expelled
from market.

⁴ 205A. The person in charge of a public or private market shall expel therefrom any person suffering from leprosy in whom the process of ulceration has commenced or from any infectious or contagious disease who sells or exposes for sale therein any article or who, not having purchased the same, handles any article exposed for sale therein, and he may expel therefrom any person who is creating a disturbance therein.

10. LATRINES, ETC.

Latrines and
urinals to be
provided.

206. 1) The Municipal Council shall, so far as the funds at their disposal may admit, provide a sufficient number of public latrines and urinals, and shall cause the same to be kept in proper order and to be daily cleansed.

Licensing
of public
latrines.

(2) No latrine shall be kept in the municipality for public use without the license of the Municipal Council.

(a) Private Latrines, etc.

Latrines for
private
houses.

207. (1) The Municipal Council may, by notice, require—

(i) the owner or occupier of every building to provide a latrine or alter any existing latrine in accordance with the direction contained in such notice, for the use of persons employed in or about, or occupying, such building, and to keep the same in a clean and proper manner, and

(ii) every owner or occupier of the ground on which any block of six or more huts stands to provide and maintain such latrines as the Municipal Council may prescribe in such notice for the use

¹ These words were inserted by Mad. Act III of 1897, s. 135 (3).

² The words "Chairman" and "him" were substituted for the words "Municipal Council" and "them," respectively, by Mad. Act III of 1897, s. 136.

³ Printed, General Acts, Vol. I, p. 240.

⁴ S. 205A was inserted by Mad. Act III of 1897, s. 137.

(Chapter IV.—10. *Latrines, etc.* Secs. 208-209. 11. *Drains, etc.* Sec. 210.)

of the inhabitants of such huts, within a time to be specified in such notice.

(2) Such latrines shall be sufficiently shut out and screened from the view to be enclosed. of persons passing by or residing in the neighbourhood.

208. The Municipal Council may, by notice in writing, require any person Latrines, etc. for labourers. employing workmen, labourers or other persons exceeding twenty in number, to provide and maintain for them in proper order latrines and urinals, to be approved by the Municipal Council, in such number as they may consider necessary.

Whoever fails to comply with such requisition within a reasonable time to be specified in such notice shall be liable to a fine not exceeding rupees twenty * * * * *

209. The Chairman may, subject to the approval of the Municipal Chairman may contract to construct drains, etc. Council, contract with the owner or occupier of any building or land to construct or repair any drain, privy, sink-pit or cesspool therein or thereon, upon such terms and subject to such conditions as the Chairman may think fit

11. DRAINS, ETC.

210. [¹ (1) All drainage-works in the municipality shall be constructed and conserved under the directions of the Municipal Council.] Drainage-works to be constructed under the direction of the Municipal Council.

(2) The Municipal Council in making sewers or other drainage-works, may, if needful, carry any sewer or drainage-work through, across or under any street, garden or other place, or into or under any building, cellar or vault. Powers of Municipal Council in making public sewers.

(3) Whenever it is necessary to carry a sewer or other drainage-work through, across or under any private property, the Municipal Council shall give notice to the owner or occupier of such property, and the Municipal Council shall pay reasonable compensation for any injury done to such property by any such sewer or drainage-work. Notice to owner of private property, and compensation for injury thereto.

(4) The Municipal Council may maintain and, from time to time, repair and, as they see fit, enlarge, alter, arch over or otherwise improve all or any of the sewers and drainage-works vested in them by this Act; and may discontinue, close up or destroy such of them as they deem unnecessary. Municipal Council may maintain, repair, alter or close sewers.

¹ The last twenty words have been repealed by Mad. Act III of 1897, s. 133.

² This section was substituted for the original s. 209 by Mal. Act III of 1897, s. 139.

³ This sub-section was substituted for the original sub-s. (1) by Mad. Act III of 1897, s. 140. Printed, *infra*, p. 997.

Public drains
not to be
altered
without
permission.

211. No person shall, without the written permission of the Municipal Council, make any drain into a public sewer or drain, or stop up, divert, obstruct or in any way interfere with, any public drain or sewer, whether the same passes through public or private ground.

Buildings
over sewers,
etc., not to be
erected with-
out consent
of the Muni-
cipal Council.

212. No building shall be newly erected over any sewer or drain, or any part of any sewer or drain, vested in the Municipal Council by this Act, or upon any ground which has been covered, raised or levelled, wholly or in part, by street sweepings or other rubbish, without the written permission of the Municipal Council.

No drains,
etc., to be
made without
permission.

213. [¹Subject to the provisions of section 209], no drain, privy or cesspool shall be constructed without the written permission of the Municipal Council.

Where
general
drainage-sys-
tem exists,
Council may
require, sub-
ject to certain
provisos,
that private
persons shall
construct
drains.

*** 213A.** The Municipal Council of any municipality wherein there is a system of general drainage may, by notice, require the owner of any building or land or the owners of any group of buildings or lands, to construct a drain of such description as the Municipal Council may direct, so as to connect such building or land, or such group of buildings or lands, with any other drain or with any place set apart by the Municipal Council for the disposal of sewage or drainage: Provided that—

- (i) no requisition shall be made under this section on any person who is entitled under sub-section (5) of section 63 to claim exemption from the taxes on buildings and lands;
- (ii) no person or persons shall be required under this section to carry a drain to a distance of more than one hundred feet beyond the extreme limits of the building or land, or group of buildings or lands, as the case may be, which it is intended to drain by means thereof;
- (iii) no person or persons shall be required under this section to expend upon a drain a sum exceeding five times the amount payable annually by him or them under section 63 on account of the building or land or group of buildings or lands, as the case may be, which it is intended to drain by means of such drain; and if any sum in excess of the said amount is expended, the excess shall be borne by the Municipal Council.

¹ These words were inserted by Mad. Act III of 1897, s. 141.

² Ss. 213A and 213B were inserted by Mad. Act III of 1897, s. 142.

Explanation.—In the case of buildings and lands exempt from taxation under sub-section (1) of section 63, the amount which would be payable under section 63, if such buildings and lands were not so exempt, shall be deemed to be the amount payable on account thereof for the purposes of the third proviso to this section.

¹ 213B. For the purposes of ventilating any drain or cesspool, the Municipal Council may erect, or may affix to the outside of any building, such pipes as they think necessary. Such pipes shall be carried to a height of not less than six feet above the highest parts of all adjacent buildings and shall be so constructed as to cause no inconvenience or annoyance to persons dwelling in the neighbourhood.

Council may erect ventilating pipes.

214. (1) All branch drains, as well within as without the lands or buildings to which they belong, and all private latrines, privies and cesspools within the municipality, shall be under the survey and control of the Municipal Council, and shall be altered, repaired, cleansed and kept in proper order at the cost of the owners of the lands and buildings to which the same belong, or for the use of which they are constructed or continued.

Branch drains, privies, etc., to be under control of Municipal Council and to be kept in order at cost of owners.

(2) The Municipal Council may, by notice, require the owner of any land or building to which any such latrine, drain, privy or cesspool belongs, [² to close or demolish it, or to alter or repair it in such manner as the Municipal Council may think necessary], within a time to be specified in such notice.

Municipal Council may require owner to repair, etc., any drain or privy.

215. (1) If, upon inspection by the Chairman or other officer authorized by him in that behalf, it appears that such latrine, drain, privy or cesspool is not in good order, or that it has been constructed after the coming into operation of this Act or of the Towns Improvement Act, 1871,³ in the municipality and contrary to the provisions thereof, the expenses of such inspection shall be paid by the person to whom such latrine, drain, privy or cesspool belongs.

When expense of inspection to be borne by owner.

(2) If such latrine, drain, privy or cesspool be found to be in proper order and not to have been constructed contrary to the provisions of this Act or the Towns Improvement Act, 1871, the Chairman or officer as aforesaid shall cause the ground to be closed and made good as soon as may be, and the expenses of opening, closing and making good such latrine, drain, privy or cesspool shall, in that case, be defrayed by the Municipal Council.

When such expense to be borne by Municipal Council.

¹ See second footnote on preceding page.

² These words were substituted for the original words by Mad. Act III of 1897, s. 143.

³ Repealed by this Act.

12. GENERAL SANITARY REGULATIONS.

The Council
to arrange
for the
removal of
night-soil,
rubbish, etc.

¹ 216. The Municipal Council shall, so far as the funds at their disposal permit, make arrangements for—

- (a) the regular sweeping and cleansing of the streets;
- (b) the regular removal from latrines and private houses of night-soil, the carcasses of animals and other offensive matter; and
- (c) the regular removal from dust-bins and private houses of dust, ashes, kitchen-refuse and other similar inoffensive matter;

and with this object they shall, so far as the funds at their disposal permit, provide—

- (i) depôts for the deposit of street-sweepings, of night-soil, the carcasses of animals and other offensive matter, and of dust, ashes, kitchen-refuse and other similar inoffensive matter;
- (ii) covered vehicles or vessels for the removal of night-soil and other offensive matter;
- (iii) vehicles or other suitable means for the removal of the carcasses of large animals and of dust, ashes, kitchen-refuse and other similar inoffensive matter; and
- (iv) dust-bins for the temporary deposit of dust, ashes, kitchen-refuse and other similar inoffensive matter.

Council may
order pro-
vision of
night-soil
receptacles.

¹ 217. (1) The Municipal Council may, by notification, require all occupiers of buildings within the municipality or any part thereof, with whom no contract for removal of night-soil or other offensive matter has been made under section 218, to provide, within a period to be specified in such notification, moveable receptacles of a kind to be similarly specified, for the temporary deposit of night-soil or other offensive matter, and may further require that such receptacles shall be in readiness, screened from public view, for the removal of the contents thereof, free of charge, by the municipal servants, at such time or times daily as the Municipal Council may think proper.

On failure to
comply,
Council shall
provide at
cost of
occupier.

(2) After the expiration of the period specified in the said notification, the Municipal Council shall provide receptacles for all persons who have failed to comply with the notification and may recover the cost thereof from such persons: Provided that the Municipal Council shall, in the case of all occupiers of buildings the annual value whereof is not more than six rupees, supply the said receptacles at the cost of the municipal fund.

¹ Ss. 216 to 222 were substituted for the original ss. 216 to 222 by Mad. Act III of 1897, s. 144. Printed *infra* p. 998.

(Chapter IV.—12. General Sanitary Regulations. Secs. 218-221.)

¹ 218. The Chairman may contract with the occupier of any building or land to remove night-soil from latrines or cesspools therein or thereon, or to remove any other offensive matter or rubbish generally from such building or land, on such terms as to times and periods of removal and other matters as to the said Chairman seem suitable and on payment of fees at such rate or rates as the Municipal Council may have prescribed with the approval of the Governor in Council.

Cleansing of
private
latrines, etc.

¹ 219. Every person who, after due provision has been made under section 216 by the Municipal Council for the deposit and removal of the same,

Penalty for
improper
disposal of
filth, etc.

- (i) deposits night-soil, the carcasses of animals or other offensive matter, or dust, ashes, kitchen-refuse or other similar inoffensive matter in any street, or on the verandah of any building or on any unoccupied ground alongside any street, or on any public quay, jetty or landing-place, or on the bank of a water-course or tank, or, without the consent of the owner or occupier thereof, in or on any private property ; or
- (ii) deposits night-soil, the carcasses of animals or other offensive matter in any dust-bin or in any vehicle not intended for the removal of the same ; or
- (iii) deposits any matter other than night-soil or other offensive matter in any vehicle or vessel intended for the removal of night-soil and other offensive matter ;

shall be liable to a fine not exceeding ten rupees for each such offence.

Provided that no person shall be liable to such fine by reason that he has mixed dry-earth, sand, ashes or any other substance with night-soil or other offensive matter for the purpose of deodorizing or disinfecting it.

¹ 220. Every person who, after a receptacle has been provided as required in section 217, fails to deposit therein all night-soil and other offensive matter or to keep the same in readiness, screened from public view, at the times fixed by the Municipal Council, or deposits in such receptacle any matter other than night-soil or other offensive matter, shall, subject to the proviso to section 221, be liable to a fine not exceeding ten rupees for each such offence.

Penalty for
failure to
deposit
night-soil in
receptacle.

¹ 221. Every occupier of a building or land who keeps, for more than twenty-four hours, or otherwise than in a proper receptacle, any night-soil or other offensive matter in such building, or on the roof thereof, or in any

Penalty for
keeping
night-soil,
&c., on
premises.

¹ See footnote on preceding page.

out-building or yard, or on any pavement or verandah attached or belonging to such building, or on such land, shall be liable to a fine not exceeding twenty rupees for each such offence :

Magistrate may direct that culprit shall accept municipal service.

Provided that it shall be lawful for the Magistrate by whom a person is convicted of an offence under this section, in lieu of imposing a fine, to direct that, for a period to be fixed by him, but not exceeding one year, the Municipal Council shall arrange to remove night-soil and other offensive matter from the building or land concerned, and that the said person shall pay to the Municipal Council, in return for the performance by them of this duty, such fees as might have been collected from him if he had entered into a voluntary contract under section 218.

Penalty for allowing outflow of offensive liquid.

¹222. Every occupier of a building or land who allows the water from any sink, drain, privy or stable or any other offensive liquid matter to flow out of such building or land into any portion of a street except a drain, or to flow out of such building or land in such a manner as to cause an avoidable nuisance by the soakage of the said water or other liquid matter into the ground at the side of a drain forming a portion of a street, shall be liable to a fine not exceeding ten rupees for each such offence.

Penalty for using any cart without cover in the removal of night-soil, etc.

223. Whoever, in the removal of night-soil or other offensive matter, uses any cart or receptacle not having a covering proper for preventing the escape of the contents thereof, or of the stench therefrom, or [²intentionally or negligently] spills any such offensive matter in the removal thereof, or does not carefully sweep and clean every place in which any such offensive matter has been spilled, or places or sets down in any public place any night-soil or offensive matter whether in a vessel closed or open, shall be liable to a fine not exceeding rupees twenty for each offence.

Penalty for throwing rubbish, etc., into sewers or drains.

224. Whoever puts or causes to be put any earth, dirt, ashes, garden, kitchen or stable-refuse, broken glass, earthenware, rubbish or night-soil into any sewer or drain belonging to the Municipal Council or into any drain communicating therewith, shall be liable to a fine not exceeding rupees twenty for each offence.

Penalty for feeding animal on deleterious substances.

225. [*Nuisance by child.*] *Rep. by Mad. Act III of 1897, s. 3 (1).*

³225A. Whoever feeds or allows to be fed any animal which is kept for dairy purposes or may be used for food on deleterious substances, filth or refuse of any kind, shall be punishable with fine which may extend to fifty rupees.

¹ See footnote on page 648.

² These words were inserted by Mad. Act III of 1897, s. 145.

³ S. 225A was inserted by Mad. Act III of 1897, s. 146.

226. (1) Whenever the Municipal Council consider that any building is so overcrowded as to be, or to be likely to become, dangerous or prejudicial to the health of the inhabitants, the Municipal Council may cause proceedings to be taken before a Magistrate to abate such overcrowding, and the Magistrate shall thereupon make such order as he thinks fit.

Municipal Council may take steps to abate overcrowding of buildings.

(2) Any person permitting such overcrowding after the date of such order shall be liable to a fine not exceeding rupees ten for [every day after such date upon which he is convicted of having permitted such overcrowding to continue].

Penalty for neglect of Magistrate's order.

227. The Municipal Council shall maintain in a cleanly condition all wells, tanks and reservoirs which are not private property and may fill them up or drain them when it appears necessary so to do: Provided that no such well, tank or reservoir shall be filled up with any material except building débris, or clean soil, gravel or sand.

Municipal Council to maintain certain wells, etc., in good order.

228. (1) The Municipal Council may, by notice, require the owner of any tank or well to cleanse, fence, repair or fill it up, if on inspection it appears likely to be dangerous [or to prove injurious to the public health].

Council may direct owners to cleanse or fill up tanks and wells, and to drain off stagnant water.

(2) Or they may, by notice, require the owner or occupier of any land or premises to drain off, or otherwise remove, any stagnant water from such land or premises or from any tank or well attached thereto, if they consider that such stagnant water is injurious to health or offensive to the neighbourhood.

Order may specify mode in which work to be done.

(3) Such notice may specify the mode in which such cleansing, filling up, repairing, fencing or drainage, or each of such works, is to be effected and the time within which specified portions thereof must be done.

Council may in certain cases prohibit cultivation within municipal limits.

228A. (1) The Municipal Council, on the report of the Sanitary Commissioner that the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land in any specified manner in any place within the limits of the municipality is injurious to the public health, may, with the previous sanction of the Governor in Council, by notification, prohibit the cultivation of the crop, the use of the manure or the irrigation so reported to be injurious, or regulate it by imposing such conditions thereon as may prevent the injury.

Compensation to be given in certain cases.

(2) When, on any land to which the notification applies, that description of crop has been cultivated, that kind of manure has been used or irrigation

¹ These words were substituted for the original words by Mad. Act III of 1897, s. 147.

² This section was substituted for the original s. 227 by Mad. Act III of 1897, s. 148.

³ These words were substituted for the words "or prove injurious to the health of the neighbourhood," by Mad. Act III of 1897, s. 149.

⁴ S. 228A was inserted by Mad. Act III of 1897, s. 150.

(Chapter IV.—12. General Sanitary Regulations. Secs. 229-231.)

has been practised in that manner, during the five years preceding the notification, with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested in that land for any damage caused to them by the prohibition or regulation.

Persons removing sand, &c., from public river, &c., without authority, liable to penalty.

229. Whoever, not being an officer of Government in the discharge of his duty, or not being provided with a license from the Chairman or from some officer of Government having authority to grant the same, removes earth, sand or other material from, or deposits any matter, or makes any encroachment or obstruction, in or upon, any land or river, estuary, canal, back-water or water-course within the municipality (not being private property) shall be liable to a fine, not exceeding twenty rupees, for every such offence.

Stray pigs and dogs may be destroyed.

230. (1) The Municipal Council may, and if so directed by the District Magistrate shall, from time to time, cause to be notified by beat of drum or otherwise that pigs and dogs found straying within certain limits will be destroyed.

(2) Pigs and dogs found-straying within such limits after such notification may be destroyed by any person in such manner as the Magistrate of the district may from time to time direct.

Penalty for keeping pigs so as to be a nuisance.

¹230A. Whoever, within any municipality, keeps pigs so as to be a nuisance, shall be liable to a fine not exceeding ten rupees.

(a) Prevention of Infectious Diseases.

Chairman to have power of entry for purpose of preventing spread of disease.

231. (1) The Chairman, or any officer duly appointed by him in writing in this behalf, may enter, at any time, after two hours' notice, into any building or premises in which any * * * ² dangerous infectious disease is reputed or suspected to exist, for the purpose of inspecting such building or premises.

Inspection to be made between sunrise and sunset. Disinfection of houses, &c

(2) No such inspection shall be made except in the hours between sunrise and sunset.

(3) If the Chairman is of opinion that the cleansing or disinfecting of a building or premises, or of a part thereof, or of any articles therein likely to retain infection, would tend to prevent or check the spread of any dangerous infectious disease, he may, by notice, require the * * ³ occupier to cleanse or disinfect the same within a time to be specified in such notice :

¹ S. 230A was inserted by Mad. Act III of 1897, s. 151.

² The words "epidemic, endemic or" were repealed by Mad. Act III of 1897, s. 152 (1).

³ The words "owner or" were repealed, by Mad. Act III of 1897, s. 152 (2). Printed *infra* p. 998.

¹ Provided that, if the Chairman considers that immediate action is necessary or that the occupier is, by reason of poverty or otherwise, unable effectually to comply with his requisition, the said Chairman may himself cause such building, premises or articles to be cleansed or disinfected, and, for this purpose, may cause such articles to be removed from such building or premises; and the expenses incurred by the Chairman under this sub-section shall be recoverable from the said occupier unless he was, by reason of poverty, unable effectually to comply with the said requisition.

231A. Every person who, without previous disinfection of the same, gives, lends, sells, transmits or otherwise disposes of anything which he knows or has reason to believe to have been exposed to the infection of a dangerous infectious disease, shall be liable to a fine not exceeding fifty rupees:

Penalty for selling, etc., infected article.

Provided that nothing in this section shall be deemed to apply to a person who transmits anything, with proper precautions, for the purpose of having the same disinfected.

232. (1) The Chairman [^ashall], from time to time, notify places at which articles of clothing or bedding or other articles which have been exposed to infection from any dangerous infectious disease may be washed [^aor disinfected].

Chairman to notify places for washing and disinfecting.

(2) The Chairman may direct the destruction of bedding, clothing or other articles likely to retain [^bsuch] infection, and [^cshall, on demand], give compensation for the articles destroyed.

Infected articles may be destroyed.

(5) Whoever washes such clothing or bedding or other articles at any place other than those set apart for such purposes under sub-section (1) of this section shall be liable to a fine not exceeding rupees fifty.

Penalty.

232A. If the Chief Medical Officer of the district certifies that the water in any well, tank or other place within the limits of the municipality is likely, if used for drinking, to engender or cause the spread of any dangerous disease, the Municipal Council may, by public notice, prohibit the removal or use of such water for drinking and domestic purposes during a period to be specified in such order.

Council may prohibit use of uncleanly wells and tanks.

233. When a hospital or place for the reception of persons suffering from any dangerous infectious disease is provided within the limits of any

¹ This proviso was inserted by Mad. Act III of 1897, s. 152 (2).

² S. 231A was inserted by Mad. Act III of 1897, s. 153.

³ The word "shall" was substituted for the word "may" by Mad. Act III of 1897, s. 154 (1).

⁴ These words were inserted by Mad. Act III of 1897, s. 154 (1).

⁵ The word "such" was inserted by Mad. Act III of 1897, s. 154 (2).

⁶ These words were substituted for the words "may in his discretion" by Mad. Act III of 1897, s. 154 (2).

⁷ S. 232A was inserted by Mad. Act III of 1897, s. 155.

(Chapter IV.—12. General Sanitary Regulations. Secs. 233A-233C.)

municipality, the Chairman may, on a certificate signed by a [¹certificated] medical practitioner, [¹arrange for, or] direct, the removal to such hospital or place of any person suffering from a dangerous infectious disease who is, in the opinion of such medical practitioner, without proper lodging or accommodation, or who is lodged in a room occupied by more than one family.

Penalty for travelling in public conveyance while suffering from disease.

² 233A. Every person suffering from a dangerous infectious disease who, without proper precaution against spreading such disease, causes himself to be conveyed in a public conveyance, and every person in charge of or accompanying a patient so conveyed, and every person knowing himself to be suffering from any dangerous infectious disease who enters a public conveyance without previously notifying to the owner or driver that he is so suffering, shall be liable to a penalty not exceeding fifty rupees, and to an additional fine of such amount as the Magistrate shall deem sufficient to cover the loss and costs which the owner or driver must incur for the purpose of disinfecting such conveyance.

The amount of any additional fine so imposed shall be awarded by the Magistrate to the owner or driver of the said conveyance: Provided that, if the fine is imposed in a case which is subject to appeal, no such award shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal be presented, before the decision of the appeal.

At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum which the plaintiff shall have received under this section.

Owner, etc., of public conveyance not bound to carry person suffering from disease.

² 233B. No owner or driver of a public conveyance shall be required to convey any person suffering as aforesaid, without payment or tender of a sum sufficient to cover such loss and costs as aforesaid, anything in any Act relating to public conveyances for the time being in force to the contrary notwithstanding.

Penalty for letting infected house.

² 233C. Every person knowingly letting a house or other building or part of a house or building in which any person has been suffering from a dangerous infectious disease, without having such house or other building or part thereof and all articles therein liable to retain infection disinfected to the satisfaction of the Chairman, shall be liable to a penalty not exceeding two hundred rupees.

For the purpose of this section a hotel or lodging-house-keeper shall be deemed to let part of his house to any person admitted as a guest into his hotel or lodging-house.

¹ These words were inserted by Mad. Act III of 1897, s. 156.

² Ss. 233A, 233B and 233C were inserted by Mad. Act III of 1897, s. 157.

(b) Disposal of Corpses.

234. (1) The Municipal Council [¹shall] provide a sufficient number of convenient and fitting places for burial and [¹burning] grounds, either within or without the limits of the municipality.

Municipal Council to provide burial and burning grounds.

(2) Whenever the Municipal Council have provided any such place beyond the municipality, all the provisions of this Act and all bye-laws framed under this Act for the management of such places within the municipality shall apply to such place.

Burial-grounds, etc., outside municipality to be governed by Act and bye-laws.

235. (1) Every owner or person having the control of any place used at the date of the coming into operation of this Act as a burial-ground or burning-ground shall, if such place be not already registered, apply to the Municipal Council to have such place registered.

Burial and burning grounds to be registered.

(2) If it appears to the Municipal Council that there is no owner or person having the control of any such place, the Municipal Council shall assume such control and direct it to be registered, or may, * * ² with the sanction of the Governor in Council, * * * ² cause it to be closed.

If no owner, Municipal Council may register or close.

236. No new burial-ground or burning-ground, whether public or private, shall be opened, or used, after the coming into operation of this Act, unless a license has been granted by the Municipal Council * * ³

No burial or burning ground to be opened without license.

237. A book shall be kept at the municipal office in which places registered under section 235, or licensed under the last preceding section, shall be recorded.

A book to be kept of place registered.

238. Whoever in any municipality buries or burns, or causes or suffers to be buried or burnt, any corpse in any unregistered [⁴or] unlicensed vault, grave, burial or burning ground or other place, private or public, shall be liable to a fine not exceeding one hundred rupees.

Penalty for burying or burning in unlicensed or unregistered place.

239. The person having control of a burial-ground or burning-ground shall give information to any person appointed by the Municipal Council in that behalf of all burials and burnings which take place in or on such ground.

Notice to be given to Municipal Council of burials, etc.

¹ The words "shall" and "and burning" were substituted for the original words by Mad. Act III of 1897, s. 158.

² The words "at a meeting" and the words "determined to" were respectively here omitted by sections 3 (2) and 159 of Mad. Act III of 1897.

³ The words "at a meeting" were omitted by s. 3 (2) of Mad. Act III of 1897.

⁴ The word "or" was substituted for the word "and" by Mad. Act III of 1897, s. 160. Printed, *infra* p. 999.

(Chapter IV.—12. General Sanitary Regulations. Secs. 240-241.)

Where burial or burning grounds are dangerous to health,

and another convenient place is provided,

notice may issue not to bury or burn.

Notice to be published.

Penalty for burying, etc., contrary to notice.

Depth of grave.

Distance between graves.

Re-opening graves.

Burial and cremation.

Cremation to be complete.

240. (1) If the Municipal Council are satisfied

that any registered or licensed burial or burning ground is in such a state as to be, or to be likely to become, dangerous to the health of persons living in the neighbourhood thereof, or that any such place is overcrowded with graves,

and in the case of a public burial or burning ground, that another convenient place duly authorized for burial or burning, as the case may be, has been provided for the persons who would ordinarily make use of such place,

they may, with the previous sanction of the Governor in Council, issue a notice that it shall not be lawful, after a period of not less than two months to be named in such notice, to bury or burn any corpse in or on such first-mentioned burial or burning ground.

(2) Every such notice shall be published in the District Gazette and in the municipality by beat of drum.

(3) Whoever, after the expiration of such period, buries or burns, or causes or permits to be buried or burnt, any corpse contrary to the terms of the notice, shall be liable to a fine not exceeding one hundred rupees.

241. Whoever—

(i) buries, or causes to be buried, any corpse, or part of a corpse, in a grave, whether dug or constructed of masonry or otherwise, in such manner that the surface of the coffin, or the surface of the body where no coffin is used, is at a less depth than five feet from the surface of the ground ; or

(ii) builds, or digs, or causes to be built or dug, any grave in any burial-ground at a less distance than two feet from the margin of any other existing grave ; or

(iii) without the sanction in writing of the [¹Chairman], or an order in writing of a Magistrate, re-opens a grave already occupied ; or

(iv) brings, or conveys, or causes to be brought or conveyed, a corpse, or part thereof, to any burial or burning ground, and does not cause the burial or burning of the same to commence within six hours after its arrival at such burning-ground ; or

(v) when burning, or causing to be burnt, a corpse or part of a corpse in any burning-ground, permits the same or any part thereof to remain without being completely reduced to ashes ; or

¹ The word "Chairman" was substituted for the words "Municipal Council" by Mad. Act III of 1897, s. 161.

(Chapter IV.—12. General Sanitary Regulations. Sec. 242. 13. Registration of Births and Deaths. Secs. 242-245.)

- (vi) permits the cloths, or other articles connected with the burning of such corpse, to remain at or near such ground without being completely reduced to ashes'; or Cloths, etc., to be burned
 - (vii) carries a corpse or part of a corpse through any street not decently covered; or Corpses to be decently covered.
 - (viii) while carrying a corpse or part of a corpse within the municipality, leaves the same in or near any street, for any purpose whatever; or Leaving corpse on highway.
 - (ix) removes, otherwise than in a closed receptacle, any corpse or part of a corpse kept or used for the purpose of dissection; Removal of corpse kept for dissection.
- shall for each offence be liable to a fine not exceeding rupees fifty. Penalty.

242. All grave-diggers and other attendants at a public burial or burning ground shall be licensed by the Municipal Council, and any person acting as such without such license shall be liable to a fine not exceeding rupees five. Such license may be withdrawn or cancelled at the discretion of the Municipal Council. Grave-diggers to be licensed.

13. REGISTRATION OF BIRTHS AND DEATHS.

243. The Municipal Council shall keep in their office a register of all births and deaths in the municipality, and for this purpose they may divide the municipality into such districts as they think fit, and shall appoint a person to be Registrar of Births and Deaths within the municipality, or in the case of the division of the municipality into districts, for every district they shall appoint a person to be Registrar of Births and Deaths in such district. Municipal Council to keep register of births and deaths and appoint Registrars.

244. (1) Every Registrar shall reside within the municipality or district of which he is Registrar, and shall cause his name, with the addition of Registrar of Births and Deaths for the municipality or district for which he is so appointed, written in English and in the Vernacular language of the district, to be placed in some conspicuous place on or near the outer door of his dwelling-house. Registrars to live in their districts

(2) The Municipal Council shall cause to be printed and published a list containing the name and place of abode of every such Registrar of Births and Deaths in the municipality. List of Registrars and their residence to be published.

245. The Municipal Council shall cause to be prepared and printed a sufficient number of register-books for making entries of all births and deaths which take place in the municipality according to such forms and Municipal Council to have register-book prepared.

(Chapter IV.—13. Registration of Births and Deaths. Secs. 246-248A.)

instructions as may, from time to time, be prescribed by the Governor in Council.

Registrar to inform himself of and register every birth and death.

246. Every Registrar shall inform himself carefully of every birth and of every death which happens in the municipality or his district after the coming into operation of this Act, and shall learn and register, as soon as conveniently may be after the event, without fee or reward, the particulars required to be registered, according to the forms prescribed as aforesaid, touching every such birth and death, as the case may be, which has not been already registered.

All such entries shall be made consecutively from the beginning to the end of the book.

Information of birth to be given within a week.

247. (1) The father or mother of every child born in the municipality or, in the case of the death, illness, absence or inability of the father and mother, some person who was present at, or in attendance during, the childbirth, shall, within one week next after the day of every such birth, give, or cause to be given, information to the Registrar, according to the best of his or her knowledge and belief, of the several particulars required to be known and registered touching the birth of such child.

Information of death to be given.

(2) Some one of the persons present at the death, or in attendance during the last illness, of every person dying in the municipality or, in case of the death, illness, inability or default of all such persons, the occupier of the building, or, if the occupier be the person who has died, some person living in the building in which such death has happened, shall within twenty-four hours give information to the Registrar, according to the best of his knowledge and belief, of the several particulars required to be known and registered touching the death of such person.

Where persons die in hospital, Medical Officer in charge to send notice to Registrar. Persons performing funeral to give information.

248. (1) In the case of persons being born or dying in any hospital, it shall be the duty of the Medical Officer in charge forthwith to send a notice to the Registrar of the occurrence of any birth or death in the hospital under his charge.

(2) Every person who conducts or performs the funeral ceremonies of any person who has died within the municipality shall, whenever required, furnish to the Registrar such information as he possesses as to the said several particulars.

Entry of name of child.

248A. At any time within one year after the birth of a child, any

¹ S. 248A was inserted by Mad. Act III of 1897, s. 162.

(Chapter IV.—13. *Registration of Births and Deaths. Secs. 249. Chapter V.—Miscellaneous. Sec. 250.*)

adult relative of the child may require the Registrar to enter in the register of births the name of such child.

249. (1) Every person who has given the information contained in any register of births or deaths under this Act shall sign in the register his name, description and place of abode, [1 or, if] he cannot write, shall put his mark in the register to his name, description and place of abode; [2 and whoever refuses or neglects so to sign or mark shall be liable to a fine not exceeding five rupees].

Persons giving information to sign or mark the register.

(2) The Registrar shall forthwith give, free of all charge, to the person who gives information of the birth of a child, an extract under his hand from the register relating to such birth.

Registrar to give extract.

(3) In the case of a person being born or dying in any hospital, the registration of the birth or death shall be deemed to be completed by the entry, in the register, of the written notice received from the Medical Officer in charge of the said hospital prescribed in section 248, without the signature of the Medical Officer to the entry in such register.

But, in case of persons born or dying in hospital, register complete on entry of Medical Officer's notice. Search of birth and death registers.

(4) Any person may, at all reasonable times, on payment of a fee of eight annas for each visit, search, in the presence of the Registrar, any register of births and deaths, and may, [3 on payment of a further fee of eight annas], require the Registrar to give him an extract under his hand from such register relating to any birth or death registered therein. * * *

[5] (5) The Registrar shall have the custody of the registers of births and deaths for the municipality or district thereof for which he has been appointed; and all extracts therefrom given under this section shall be certified by him as provided in section 76 of the Indian Evidence Act, 1872,⁶ and may be produced in proof of the entries of which they purport to be copies.]

Custody of birth and death registers.

CHAPTER V.

MISCELLANEOUS.

250. (1) The Governor in Council may, from time to time, frame forms

Power of

¹ The words "or if" were substituted for "and if" by Mad. Act III of 1897, s. 163 (1).

² These words were inserted by Mad. Act III of 1897, s. 163 (1).

³ These words were inserted by Mad. Act III of 1897, s. 163 (2).

⁴ The last sentence of this section, dealing with the fee payable for an extract from the register, was repealed by Mad. Act III of 1897.

⁵ This sub-section was added by Mad. Act III of 1897, s. 163 (3).

⁶ See now the revised edition of the Act as modified up to 1st April, 1899.

⁷ For rules under this section, see Madras List of Local Rules and Orders, B1. 1898, Vol. II, pp. 513-516.

Governor in Council to frame forms and make rules.

for any proceeding of a Municipal Council for which he considers that a form should be provided, and make rules not inconsistent with this Act—

(a) with respect to the appointment of Municipal Councillors by election as to the following matters:—

¹ (i) the qualifications of electors and of the candidates for appointment by election, and the removal and disqualification of Municipal Councillors or candidates;

(ii) the division of the municipality or of a part thereof into wards and the number of Municipal Councillors proper for each ward;

(iii) the provision, if any, to be made for the special representation of any classes of the community;

(iv) the registration of electors;

(v) the nomination of candidates, the time of election and the mode of recording votes *; ²

³ (vi) the conduct of inquiries relating to elections; and

³ (vii) any other matters regarding the system of representation and election which it may seem expedient to provide for;

(b) with respect to the appointment by election of Chairmen;

(c) as to the [⁴qualifications], appointment, firing, suspension, [⁴reduction] and dismissal of the servants of the Municipal Council;

(d) as to the pensions, gratuities and compassionate allowances of such servants;

(e) as to the matters mentioned in sections 118, 121 and 122;

(f) as to the conditions under which grants-in-aid shall be paid from the municipal fund for purposes of education and medical relief;

(g) as to the conditions on which property vested in the Municipal Council may be transferred by sale, mortgage, lease, exchange or otherwise;

(h) as to the intermediate office or offices, if any, through which correspondence between the Municipal Council and the Governor in Council or officers of the Government shall pass;

¹ For rules under this clause, see Fort St. George Gazette, 1888, Pt. IA, p. 100; *ibid.*, 1899, Pt. IA, p. 322.

² The word "and" at the end of cl. (v), repealed by Mad. Act III of 1897, s. 164 (1), is omitted.

³ Cl. (vi) was inserted and the succeeding clause, originally No. (vi), was re-numbered (vii) by Mad. Act III of 1897, s. 164 (1).

⁴ The words "qualifications" and "reduction" were inserted by Mad. Act III of 1897, s. 164 (2). Printed, *infra* p. 1000. •

(Chapter V.—Miscellaneous. Sec. 250A.)

- (j) as to the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of the Municipal Council;
- (j) as to the accounts to be kept by the Municipal Council, and as to the manner in which such accounts shall be audited and published;
- (k) as to the estimates of receipts and expenditure, returns, statements and reports to be submitted by the Municipal Councils;
- (l) as to the mode in which the officers of Government shall advise and assist Municipal Councils in carrying out the purposes of this Act; * * 1

[²(m) as to the interpellation of the Chairman by the Municipal Councilors; and]

³(n) generally, for the guidance of the Municipal Councils and public officers in all matters connected with the carrying out of this Act.

⁴(2) All persons who have been authorized by the Governor in Council under sub-section (1) to conduct inquiries relating to elections shall have, for the purposes of such inquiries, the same powers in regard to the issue of summonses for the attendance of witnesses and the production of documents as are conferred upon Revenue-officers by Madras Act III of 1869 (*an act to empower Revenue-officers to summon persons to attend at their kacharies for the settlement of matters connected with Revenue-administration*), and the provisions of sections 2, 3, 4 and 5 of that Act shall apply to summonses issued and to persons summoned by virtue of the powers conferred by this section, and all persons to whom summonses are issued, by virtue of the said powers, shall be legally bound to obey such summonses.

Power to summon witnesses of persons conducting election inquiries.

⁵(3) The rules made and the forms framed by the Governor in Council under this section shall have the force of law.

Rules and forms to have the force of law.

⁶250A. (1) The assessment-books of the municipality shall be open at all reasonable times and without charge to inspection by any tax-payer or his authorized agent.

Assessment and account books to be open to inspection.

(2) The account-books of the municipality shall be open without charge to inspection by any tax-payer on a day or days in each month to be fixed by the Municipal Council.

¹ The word "and" was repealed by Mad. Act III of 1897, s. 164 (3).

² This clause was inserted, and the original clause (m) altered to clause (n), by Mad. Act III of 1897, s. 164 (3).

³ Sub-ss. (2) and (3) were substituted for the original sub-ss. (2) and (3) by Mad. Act III of 1897, s. 164 (4) and (5).

⁴ S. 250A was inserted by Mad. Act III of 1897, s. 165.

Annual estimate of expenditure to be submitted to the Governor in Council.

251. (1) The Municipal Council shall furnish, for the sanction of the Governor in Council, a statement or estimate showing the probable receipts and the expenditure which it is proposed by the Municipal Council to incur during the next financial year, and the items in respect of which it is proposed to incur such expenditure, and may also furnish a supplemental estimate providing for any modifications which they may deem it advisable to make in the distribution of the amount to be raised and expended in the [financial year] then current for the purposes of this Act,

Governor Council to pass orders on estimate.

(2) The Governor in Council may pass such orders as he shall think fit upon the original or supplemental estimate so submitted to him, and such orders shall be binding upon the Municipal Council, and shall be carried out by them so far as the means at their disposal will permit.

An annual report of proceedings, etc., to be submitted.

252. The Municipal Council shall furnish an annual report to the Governor in Council of their proceedings and statements, in detail, of all the works executed by them and of all sums received and expended by them. Such annual report shall be published in the District Gazette [²at the cost of the municipal fund].

Inspection of schools, etc., by Government officers.

253. All schools and other institutions of an educational character, and all hospitals, dispensaries, vaccine-stations, choultries and other institutions of a charitable character, maintained by the Municipal Council, and all registers, books, accounts and other documents relating thereto, shall, at all times, be open to the inspection of such officers as the Governor in Council may, from time to time, appoint in that behalf.

Appointment of officers to superintend operations of municipalities.

254. The Governor in Council may, from time to time, appoint such officers as may be required for the purpose of inspecting or superintending the operations of the municipalities established under this Act, [³or of any particular municipality or municipalities], and also such secretaries, clerks and other servants as may be necessary for the exercise of the powers vested in him, and the duties imposed on him, by this Act, and assign to them such salaries, if any, as he shall think reasonable; and the expense incurred by reason of such appointments shall be defrayed in rateable proportions out of the funds of the several municipalities established under this Act [³or out of the funds of the particular municipality or municipalities concerned].

¹ The words "financial year" were substituted for the words "official year" by Mad. Act III of 1897, s. 3 (3).

² These words were inserted by Mad. Act III of 1897, s. 166.

³ These words were inserted by Mad. Act III of 1897, s. 167.

(Chapter V.—Miscellaneous. Secs. 255-256.)

255. (1) The Municipal Council * * *¹ may, from time to time, make bye-laws, and cancel or alter the same—

Municipal Council empowered to make bye-laws.

(i) for regulating the time and mode of collecting the tolls and taxes mentioned in this Act ;

(ii) for regulating the conduct of persons employed by them ;

²[(iii) for the management of markets, slaughter-houses, burial or burning grounds and offensive trades ; for regulating or prohibiting the planting of trees ; and, generally, for the management of all matters connected with conservancy ;]

(iv) for securing cleanliness, safety and order in the streets ;

(v) for carrying out all the purposes of this Act ; and,

(vi) generally, for securing the good government and well-being of the municipality ;

and may affix fines and penalties for the infringement of such bye-laws.

(2) No bye-law shall be repugnant to any law in force, and no fine for any one infringement of a bye-law shall exceed rupees fifty and, in case of a continuing infringement, no fine shall exceed ten rupees for every day after notice from the Municipal Council of such infringement.

Infringement of bye-law.

(3) No bye-law or cancelment or alteration of a bye-law shall have effect until the same shall have been approved and confirmed by the Governor in Council.

Confirmation of bye-laws.

(4) All bye-laws, when they shall have been duly confirmed, * * *³ shall have the force of law.

Bye-laws to have the force of law.

* * * * *

256. (1) The Governor in Council and Municipal Council shall, before making or altering any rules or bye-laws under section 250 or 255, publish * * *⁴ a draft of the proposed rules or bye-laws and alterations, together with a notice specifying a date at or after which such draft will be taken into consideration, and shall, before making the rules or bye-laws or alterations, receive and consider any such objection or suggestion which may be made in respect of such draft by any person interested therein before the date so specified.

Publication of rules or bye-laws.

¹ The words "at a meeting" were omitted by s. 3 (2) of Mad. Act III of 1897.

² This clause was substituted for the original clause by Mad. Act III of 1897, s. 168 (1).

³ The words "until they are cancelled or altered" were repealed by Mad. Act III of 1897, s. 168 (2).

⁴ Sub-s. (5) of this section was repealed by Mad. Act III of 1897, s. 3 (1).

⁵ Certain words referring to the manner of publication were repealed by Mad. Act III of 1897, s. 169 (1).

Rules and bye-laws not to have effect until after three months.

(2) Such rules or bye-laws and alterations thereof, made by the Governor in Council or the Municipal Council under section 250 or 255, shall be published in the local Gazette of the district in English and a Vernacular language of the district, and shall not come into operation [1(unless the Governor in Council shall, for any special reason, otherwise direct)] until three months after they have been so published.

Copies of Act, rules and bye-laws to be sold at the municipal office at cost price.

257. Complete copies, in English and in a Vernacular language of the district,—

(i) of this Act, and

(ii) of all rules framed by the Governor in Council under clauses (a) and (b) of section 250, sub-section (I), and in force for the time being, and

(iii) of all bye-laws in force for the time being,

shall be kept at the municipal office and shall be sold to the public at cost price.

Acts of Municipal Council, etc., not to be invalidated by informalities.

258. No act of a Municipal Council or of any Committee or of any person acting as a Chairman or Municipal Councillor shall be deemed to be invalid by reason only of some defect in the establishment of the municipality or in the appointment of the Chairman or Municipal Councillor, or on the ground that they, or any of them, were disqualified for such office, or by reason of such act having been done during any vacancy in the Municipal Council.

Liability of members for loss, waste or misapplication.

259. Every Municipal Councillor shall be liable for the loss, waste or misapplication of any money or other property belonging to the Municipal Council, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct, and a suit for compensation may be instituted against him by the Municipal Council or by the Secretary of State for India in Council.

Penalty on Municipal Councillor or servant being interested in contract made with Municipal Council.

260. If any Municipal Councillor or servant of Municipal Council is, otherwise than with the permission in writing of the Collector of the district, directly or indirectly interested in any contract made with the Municipal Council, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code:²

XLV of 1860.

Provided that no person shall, by reason of being a shareholder in, or member of, any * * * company, be held to be interested in any contract entered into between such company and the Municipal Council,⁴ [unless he is a Director of such company].

¹ These words were inserted by Mad. Act III of 1897, s. 169 (2).

² Printed, General Acts, Vol. I, p. 240.

³ The words "incorporated or registered" were repealed by the Mad. Act III of 1897, s. 170.

⁴ These words were added by Mad. Act III of 1897, s. 170. Printed, *infra*, p. 1001.

261. (1) No action shall be brought against the Municipal Council, or against any Municipal Councillor or servant, or against any person acting under the directions of the Municipal Council or of a Municipal Councillor or servant, on account of any act done, or purporting to be done, in pursuance or execution or intended execution of this Act, or in respect of any alleged neglect or default in the execution of this Act, until the expiration of one month after notice in writing has been delivered or left either at the office of the Municipal Council, or at the place of abode of such Municipal Councillor or servant or of such person, explicitly stating the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of abode of the intended plaintiff; and, unless such notice be proved to have been so delivered or left, the Court shall find for the defendant.

No action to be brought against Municipal Council, etc., without one month's notice.

(2) If the Municipal Council, Municipal Councillor or servant or other person to whom notice is given as provided in sub-section (1) shall, before action is commenced, have tendered sufficient amends to the plaintiff, such plaintiff shall not recover more than the amount so tendered. The plaintiff shall also pay all costs incurred by the defendant after such tender.

If tender of compensation made, award to be limited.

(3) No action such as is described in sub-section (1) shall, unless it is an action for the recovery of immoveable property or for a declaration of title thereto, be commenced otherwise than within six months next after the accrual of the cause of action.

Action to be commenced within six months.

(4) No action shall be brought against the Chairman on account of any act done in pursuance or execution or intended execution of this Act, or in respect of any alleged default on his part in the execution of this Act, if such act was done or if such default was made in good faith; but all such actions shall, so far as they are maintainable in a Court, be brought against the Municipal Council, except when the action is brought by the Municipal Council or the Secretary of State for India in Council under section 259 on account of anything done by the Chairman himself.

Action not to be brought against Chairman.

262. ²(1) No assessment or demand made, and no charge imposed, under the authority of this Act shall be impeached or affected by reason of any clerical error or by reason of any mistake (a) in respect of the name, residence, place of business or occupation of any person, or (b) in the description of any property or thing, or (c) in respect of the amount assessed, demanded or charged: Provided that the provisions of this Act have been, in substance and effect, complied with. And no proceedings under this Act shall, for defect in form, be quashed or set aside by any Court of Justice.

Assessments, etc., not to be impeached.

¹ This section was substituted for the original s. 261 by Mad. Act III of 1897, s. 171.

² Sub-ss. (1) and (2) were instituted for the original sub-ss. (1) and (2) by Mad. Act II of 1897, s. 172 (1).

No suit for recovery of sums collected.

¹(2) No suit shall be brought in any Court to recover any sum of money collected under the authority of this Act or to recover damages on account of any assessment or collection of money made under the said authority: Provided that the provisions of this Act have been, in substance and effect, complied with.

Distrait not unlawful for want of form.

No [distrait] or sale under this Act shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any error, defect or want of form in the bill, notice, schedule, form, summons, notice of demand, warrant of [distrait], inventory or other proceeding relating thereto; nor shall such person be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him:

Special damage actionable.
Consequence of failure to obtain license, etc., or breach of same.

Provided that every person aggrieved by such irregularity may recover satisfaction for any special damage sustained by him.

²263. If, under this Act, the license or written permission of the Chairman or the Municipal Council is necessary for the doing of any act in respect of any property, moveable or immoveable, public or private, and if such act is done (a) without such license or permission, or (b) in a manner inconsistent with the terms of such license or permission; then—

- (i) the Municipal Council may, by notice, require the person so doing such act to alter, remove or, as far as practicable, restore to its original state the whole or any part of such property, within a time to be specified in such notice; and, further,
- (ii) if no penalty has been specially provided in this Act for so doing such act, the person so doing it shall be liable, on conviction before a Magistrate, to a fine not exceeding fifty rupees for every such offence.

Failure to comply with notice.

³264. (1) If a notice has been given under the provisions of this Act to any person requiring him to execute any work in respect of any property, moveable or immoveable, public or private, or to provide or do or refrain from doing anything within a time specified in the notice, and if such person fails to comply with such notice; then, subject to the provisions of sections 213A and 217,—

- (i) the Municipal Council may cause such work to be executed, or such thing to be provided or done, and may recover all reasonable

¹ See second footnote on preceding page.

² The word "distrait" was substituted for the word "distress" by Mad. Act III of 1897, s. 172 (2).

³ This section was substituted for the original s. 268 by Mad. Act III of 1897, s. 173.

⁴ This section was substituted for the original s. 264 by Mad. Act III of 1897, s. 174.

(Chapter V.—Miscellaneous. Secs. 264A-266.)

expenses incurred by them on such account from the said person ;
and, further,

- (ii) if no penalty has been specially provided in this Act for failure to comply with such notice, the said person shall be liable, on conviction before a Magistrate, to a fine not exceeding twenty rupees for every such offence.

(2) The Municipal Council, in causing, under sub-section (1), any work to be executed or anything to be provided or done, may utilize any materials found on the property concerned or may sell them and apply the sale-proceeds towards the payment of the expenses incurred by them on this account.

¹ 264A. Where, by this Act or by any order or notice issued thereunder, the public or any person is required to do or to refrain from doing anything, any person who fails to comply with such requisition shall, if no penalty has been specially provided in this Act for such failure, be liable on conviction by a Magistrate to a fine not exceeding twenty rupees for every such failure.

General penal clause.

² 265. (1) If the person to whom the notice mentioned in section 264 has been given is the owner of the property in respect of which it is given, the Municipal Council may (whether any action or other proceeding has been brought or taken against such owner or not), require the person, if any, who occupies such property, or any part thereof, under such owner, to pay to the Municipal Council, instead of to the owner, the rent payable by him in respect of such property, as it falls due, up to the amount recoverable from the owner under section 264, or to such smaller amount as the Municipal Council may think proper ;

Occupier may be required to pay rent to Council on default by owner.

and any amount so paid shall be deducted from the amount payable by the said owner.

(2) For the purpose of deciding whether action should be taken under sub-section (1), the Municipal Council may require any occupier of property to furnish information as to the sum payable by him as rent on account of such property and as to the name and address of the person to whom it is payable ; and such occupier shall be bound to furnish such information.

266. Whenever default is made by the owner of any building or land in the execution of any work required by the Municipal Council to be executed, the occupier of any such building or land may cause such work to be executed : and the expenses thereof shall be paid to him by the owner, or the

Occupier, in default of owner, may execute works and deduct

¹ S. 264A was inserted by Mad. Act III of 1897, s. 175

² This section was substituted for the original s. 265 by Mad. Act III of 1897, s. 176.

expenses
from his
rent.

amount may be deducted by the occupier from the rent from time to time becoming due from him to such owner.

Occupier may
recover
payment
made on
behalf of
owner.

¹ 266A. If the occupier of any building or land makes, on behalf of the owner thereof, any payment for which, under this Act, the owner, but not the occupier, is liable, such occupier may recover the amount so paid by him, by deducting the same from the rent payable by him in respect of such building or land to such owner.

Fees for
certain
licenses, etc.

267. (1) When any license, sanction, permission or registration is granted under the provisions of this Act, a fee may be charged for such license, sanction, permission or registration.

Rate of fee
to be fixed
by Council.

(2) The rates of the fees to be so charged shall be, from time to time, fixed by the Municipal Council, subject to the approval of the Governor in Council.

Licenses, etc.,
to specify
the period
during which
they are in
force.

² 267A. Except when otherwise provided by this Act, every license issued or permission granted under this Act shall specify a period during which it shall remain in force.

Payments
for unauthor-
ized occu-
pation of
lands.

268. If any person, without the previous sanction of the Municipal Council, occupies any land belonging to such Municipal Council, he shall pay in respect of such occupation such sums as may be demanded from time to time by the said Municipal Council.

Fees, etc.,
recoverable
as taxes.

³ 269. All expenses incurred by the Chairman or the Municipal Council and recoverable by him or them, and all rents (not being rents for vacant lands, or for buildings demised by the Municipal Council under section 177), fees, tolls and other payments due to the Municipal Council under the provisions of this Act, or under any bye-law made under section 255 or under any contract made in accordance with sections 147, 209 or 218, shall, if there is no special provision for their recovery contained in this Act, be recoverable as if they were taxes due to the Municipal Council under this Act.

No distraint,
suit or
prosecution
after three
years.

³ 269A. No distraint shall be made, no suit shall be instituted and no prosecution shall be commenced under section 103, in respect of any sum due to the Municipal Council under this Act, after the expiration of a period of three years from the date upon which distraint might first have been made, a suit might first have been instituted, or prosecution might first have been commenced, as the case may be, in respect of such sum.

¹ S. 266A. was inserted by Mad. Act III of 1897, s. 177.

² S. 267A. was inserted by Mad. Act III of 1897, s. 178.

³ Ss. 269 and 269A were substituted for the original s. 269 by Mad. Act III of 1897, s. 179.

270. If any property, moveable or immoveable, is sold under the provisions of this Act, and if there is a surplus, after the sum due to the Municipal Council shall have been deducted from the sale-proceeds, such surplus shall, if the owner of the property sold claims the same within six months from the date of the sale, be paid to him by the Municipal Council, but, if no such claim is preferred within such time, the said surplus shall be [credited to the municipal fund; and no suit shall lie for recovery of any sum so credited].

Surplus sale-proceeds to be credited to municipal fund after six months

271. (1) Every bill, notice or form, regarding any valuation, measurement or assessment, tax, any money due in respect of the same, or under this Act, shall, if practicable, be presented to, or served personally upon, the person to whom the same is addressed, or, if he cannot be found, may be left at his usual or last known place of abode or business with some adult member of his family, servant or agent, or may be sent by registered letter, or may be put upon some conspicuous part of his usual or last-known place of abode or business, and shall thereby be deemed to have been duly presented or served.

Service of bills, notices, etc.

(2) If the place of abode or business of the owner of any building or land, in respect of which a tax is assessed or due, or in respect of which any work has to be executed, be unknown, or if the owner of any such building or land be not resident within the limits of the municipality, every such bill, notice or form shall be deemed to be duly presented or served, if delivered to any adult occupier or put upon some conspicuous part of the building or land in respect of which the tax is assessed or due, or in respect of which such work has to be executed.

If place of abode be unknown, such notice may be affixed on land, etc.

(3) Any such bill, notice or form sent to any person by registered post shall be addressed to his usual or last-known place of abode or business, and when so sent shall be held to have been duly served, unless and until the contrary be proved.

Bill, etc., sent by post duly served.

(4) Whenever in any bill, notice or form served under this Act, a period is fixed within which any tax or other sum is to be paid, or any work executed, or any thing provided, such period shall, [in the absence from this Act of any distinct provision to the contrary], be calculated from the date of such service.

Period mentioned in notice to date from service of such notice.

272. (1) Whenever it is provided in this Act that any notice shall or may be served on, or any demand be made on, or any action be taken against, "the owner or occupier" of any building or land, such notice shall be served, or such demand made on, or action taken against, the owner in the first

Owner to be proceeded against first, and in his absence the occupier.

¹ These words were substituted for the last five words of the original section by Mad. Act III of 1897, s. 180.

² These words were inserted by Mad. Act III of 1897, s. 181. Printed, *infra* p. 1001.

Obligation to rest with owner in first instance. Proceedings in case of occupier opposing execution of Act.

instance, and shall be served on, or made on, or taken against, the occupier only when the owner cannot be found or is not resident within municipal limits.

[¹(2) Whenever, by this Act, an obligation is imposed upon the "owner or occupier" of any property, the obligation shall rest upon the owner in the first instance and upon the occupier only when the owner cannot be found or is not resident within municipal limits.]

273. (1) If the occupier of any building or land prevent the owner thereof from carrying into effect, in respect of such building or land, any of the provisions of this Act, after notice of his intention so to do has been given by the owner to such occupier, the Municipal Council, upon proof thereof, may give an order in writing, requiring such occupier to permit the owner to execute all such works with respect to such building or land as may be necessary for carrying into effect the provisions of this Act.

Penalty.

(2) If, after the expiration of eight days from the date of the service of such order, such occupier continue to refuse to permit such owner to execute such works, such occupier shall, for every day [²upon which he is convicted of having continued so to refuse permission,] be liable to a fine not exceeding rupees fifty.

Owner absolved.

(3) Every such owner, during the continuance of such refusal, shall be discharged from any fine or penalty to which he might otherwise have become liable by reason of default in executing such works.

Power to enter upon lands for the purposes of Act.

274. (1) The [³Chairman or any person authorized by him in this behalf] may, with the consent of the occupier of any building or land, or after giving six hours' notice to such occupier, * * * between sunrise and sunset, enter into and upon any building or land, either for the purpose of making any survey or inspection or for doing any other act necessary for carrying out the purposes of this Act, without being liable to any legal proceedings or molestation whatsoever on account of such entry or of anything done in any part of such building or land, in pursuance of this Act.

Entry into *zanána*.

(2) If any woman, who, according to the customs of the country, does not appear in public, is in the actual occupation of any building or part

¹ This sub-section was substituted for the original sub-s. (2) by Mad. Act III of 1897, s. 182.

² These words were substituted for the words "during which he so continues to refuse" by Mad. Act III of 1897, s. 183.

³ These words were substituted for the words "Municipal Council" by Mad. Act III of 1897, s. 184.

⁴ The words "by themselves or their servants" were repealed by Mad. Act III of 1897, s. 184.

thereof into which any person, duly authorized in that behalf, has to enter for the purposes of this Act, such person shall inform such woman that she is at liberty to withdraw, and shall, after allowing reasonable time for such woman to withdraw, and giving her every reasonable facility to withdraw, enter such building or part thereof, using at the same time every precaution, consistent with these provisions, to prevent, when necessary, the clandestine removal of property.

275. (1) The [¹Chairman or any person authorized by him in this behalf] may enter upon the land of any person adjoining to, or being within the distance of twenty yards of, any works authorized by this Act, for the purpose of depositing upon such land any soil, gravel, sand, lime, brick, stone or other materials, or for any other purposes connected with the carrying on of such works, without making any previous payment, tender or deposit.

Power of
Chairman
to enter on
lands
adjacent
to works.

(2) The [²Chairman or the person authorized by him as aforesaid] shall cause as little damage as may be in the exercise of the powers [³conferred by sub-section (1)], and [³the Municipal Council] shall make compensation for such temporary occupation of, or temporary damage to, the said land to the owner and occupier thereof, and shall make compensation to the owner also for the permanent injury (if any) to such land.

Compensa-
tion for
temporary
occupation
of land, or
for injury
thereto.

(3) Before the [⁴Chairman or the person authorized by him as aforesaid makes] any such temporary use of land adjoining or lying near to any such work, [⁵he] shall give seven days' notice of [⁶this] intention to the owner and occupier of such land, and shall, if required by any such owner or occupier to do so, mark off by sufficient fences so much of the land as is required to be used as aforesaid from the other land adjoining thereto.

Previous
notice to
owner or
occupier.

276 [⁷Whenever the Chairman or the Municipal Council shall have] set apart any place for any purpose authorized by this Act, or [⁷shall have prohibited] the doing of an act or thing in any place, [⁸he or] they shall at once cause to be put up a notice in English and a Vernacular language of the

Notice for
setting apart
public
places.

¹ These words were substituted for the words "Municipal Council or their servants" by Mad. Act III of 1897, s. 185 (1).

² These words were substituted for the original words "Municipal Council" and "hereby granted to them," respectively, by Mad. Act III of 1897, s. 185 (2).

³ These words were inserted by Mad. Act III of 1897, s. 185 (2).

⁴ These words were substituted for the words "Municipal Council make" by Mad. Act III of 1897, s. 185 (3).

⁵ The words "he" and "his" were substituted for the words "they" and "their" by Mad. Act III of 1897, s. 185 (3).

⁶ These words were substituted for the original words by Mad. Act III of 1897, s. 186.

⁷ These words were substituted for the word "prohibit" by Mad. Act III of 1897, s. 186.

⁸ The words "he or" were inserted by Mad. Act III of 1897, s. 186.

district at or near such place. Such notice shall specify the purpose for which such place shall have been set apart, or the act or thing prohibited.

Penalty for obstructing Municipal Council, etc., in their duty.

277. (1) Whoever—

[¹(i) obstructs or molests the Municipal Council, or any Municipal Councillor or any person employed by them or him, or any person with whom they or he have or has contracted, under the provisions of this Act, in the performance of their or his duty, or prevents, or tries to prevent, any person from doing anything which he is empowered, or required, to do by virtue of this Act, or]

(ii) removes any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorized by this Act, shall be liable to a fine not exceeding rupees fifty.

Penalty for removing or destroying notice.

(2) Whoever removes, destroys, defaces or otherwise obliterates any notice put up or exhibited by the Municipal Council, or under their orders, shall be liable to a fine not exceeding rupees fifty.

Compensation may be made out of the municipal fund.

278. The Municipal Council * * *² may make compensation, out of the municipal fund, to all persons sustaining any damage by reason of the exercise of any of the powers vested in the Municipal Council, [³the Chairman or the municipal] servants under and by virtue of this Act.

Acquisition of land under Act I of 1894.

279. Where any land, whether within or without the limits of a municipality, is required for the purposes of this Act, the Governor in Council may, at the request of the Municipal Council, proceed to acquire it under the provisions of the Land Acquisition Act, [⁴1894] and, on payment by the Municipal Council of the compensation awarded under that Act, the land shall vest in the Municipal Council.

No prosecution to be commenced by private person.

⁵ **280.** No person shall be tried for any offence against the provisions of this Act or of any bye-law made under section 255 except upon complaint made by the Police or by the Municipal Council or by the Chairman or by a person expressly authorized in this behalf by the Municipal Council or the Chairman. But nothing herein contained shall affect the provisions of section 191 of the Code of Criminal Procedure, 1882,⁶ in regard to the power of certain X of 1882.

¹ This clause was substituted for the original cl. (i) of the section by Mad. Act III of 1897, s. 187.

² The words "at a meeting" were omitted in accordance with s. 3 (2) of Mad. Act III of 1897.

³ These words were substituted for the words "or their" by Mad. Act III of 1897, s. 188.

⁴ The figures "1894" were substituted for the figures "1870" by Mad. Act III of 1897, s. 189.

⁵ This section was substituted for the original s. 280 by Mad. Act III of 1897, s. 190.

⁶ See now s. 191 of the Code of Criminal Procedure, 1898 (Act V of 1898), in the revised edition, as modified up to 1st April, 1900.

Magistrates to take cognizance of offences upon information received or upon their own knowledge or suspicion.

¹ 281. If any person, through any act, neglect or default, whereby he has become liable to a fine under this Act, has caused any damage to the property of the Municipal Council, the said person shall be liable to compensate the Municipal Council for such damage; and the Magistrate before whom he is being prosecuted in respect of such act, neglect or default shall, upon application in this behalf by the Chairman, assess the amount of such compensation.

Liability for damage to municipal property.

282. (1) Every Police-officer shall give immediate information to the Chairman or the servants of the Municipal Council of any offence committed contrary to the provisions of this Act or the bye-laws made in pursuance thereof, and shall help them in giving effect to the provisions of this Act in such manner and at such times as may be necessary.

Police-officers to report offences to municipal Council.

(2) Any Police-officer may arrest any person committing in his view any offence against any of the provisions of this Act, if the name and address of such person be unknown to him, and if such person decline to give his name and address, or if the Police-officer shall have reason to doubt the accuracy of such name and address if given; and such person may be detained at the station-house until his name and address shall be correctly ascertained.

Power to Police to arrest persons committing offences in their view.

(3) Any Police-officer, who omits or refuses to perform any duty imposed on him by this Act, shall be deemed to have committed an offence under section 10, Act XXIV of 1859.²

Penalty.

[³(4) Upon the recommendation of the Municipal Council, any servant of the municipality or any class of such servants may be empowered by the Governor in Council to exercise the powers of a Police-officer for the purposes of this Act.]

Investiture of municipal servants with Police-powers.

⁴ 282A. (1) In the absence of a written contract to the contrary, every scavenger employed by a Municipal Council shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

Scavengers entitled to notice of discharge,

(2) Should any scavenger employed by a Municipal Council, in the absence of a written contract authorizing him so to do, and without reasonable cause, resign his employment or absent himself from his duties without giving one

and liable to penalty for leaving without notice.

¹ This section was substituted for the original s. 281 by Mad. Act III of 1897, s. 191.

² Printed, *supra*, p. 133.

³ This sub-section was added by Mad. Act III of 1897, s. 192.

⁴ S. 282A was inserted by Mad. Act III of 1897, s. 193. Printed, *infra* p. 1003.

month's notice to the Municipal Council, or neglect or refuse to perform his duties, or any of them, he shall be liable to imprisonment which may extend to two months.

Similar provisions may be applied to certain other municipal servants. Penalty for omission to give information.

(3) The Governor in Council may by notification direct that on and from a date to be specified in the notification the provisions of sub-sections (1) and (2) with respect to scavengers shall apply also to any specified class of municipal servants whose functions intimately concern the public health or safety.

283. If any person who is required by the provisions of this Act or by any notice or other proceeding issued thereunder to furnish any information—

- (i) omits to furnish the same, or
- (ii) knowingly or negligently furnishes false information, such person shall be liable to a fine not exceeding rupees one hundred.

Illegal collection of taxes and tolls.

284. (1) Every person who,—

- (i) not being appointed or duly authorized to collect the taxes and tolls and other sums due to the Municipal Council under this Act, shall levy or demand any tax, toll or sum, or
- (ii) shall unlawfully [or] extortionately demand or take any other or higher tax, toll or sum than the lawful tax, toll or sum, or
- (iii) under colour of this Act shall seize or sell any property, knowing such seizure [or] sale to be unlawful, or
- (iv) in cases where he shall be entitled to recover from any person any portion of the tax paid by himself under this Act, shall demand or claim any higher portion than he is entitled to recover, or
- (v) shall in any manner extort any money or any valuable thing from any person under colour of this Act,

shall be liable to a fine not exceeding rupees five hundred.

285. [*Prosecution before Magistrate.*] *Rep. by Mad. Act III of 1897, s. 3 (1).*

Offender may be detained in custody, or compelled to give security,

286. (1) In case any fine, [¹compensation], penalty or costs, imposed [²or assessed by a Magistrate] under, or by virtue of, this Act or of any bye-law made in pursuance thereof, shall not be forthwith paid, the Magistrate may order the offender to be apprehended and detained in safe custody until the

¹ The word "or" was substituted for the word "and" in cls. (ii) and (iii) by Mad. Act III of 1897, s. 194.

² The word "compensation" was substituted for the word "damage" by Mad. Act III of 1897, s. 195 (1).

³ These words were inserted by Mad. Act III of 1897, s. 195 (1).

return can be conveniently made to a warrant of distress, unless the offender shall give security to the satisfaction of the Magistrate for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

if fine, etc.,
be not forth-
with paid.

(2) If upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such fine or sum of money and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of the Magistrate by the admission of the offender or otherwise that he has not sufficient property whereupon such fine or sum of money could be levied if a warrant of distress were issued, the Magistrate may, by warrant under his hand, commit the offender to prison, there to be simply imprisoned, according to the discretion of the Magistrate, for any term not exceeding one calendar month when the amount of such fine or sum of money shall not exceed rupees fifty, and for any term not exceeding two calendar months when the amount shall not exceed rupees one hundred, and for any term not exceeding six calendar months in any other case; such commitment to be determinable in each of the cases aforesaid on payment of the amount.

If no suffi-
cient distress
can be had,
or there be
not sufficient
property
whereupon
the fine, etc.,
can be levied,
the offender
may be
imprisoned.

(3) The Magistrate, by whom any fine, [compensation] or penalty is imposed by virtue of this Act shall award the whole of such fine, [compensation] or penalty to the Municipal Council to be by them applied to the purposes of this Act.

How fines
and penalties
are to be
applied.

287. [Prosecutions.] *Rep. by Mad. Act III of 1897, s. 3 (1).*

288. The Governor in Council may, from time to time, by notification, authorize any person to exercise any one or more of the powers vested in him by this Act, save and except those mentioned in Chapter I, and may at any time in like manner withdraw such authority.

Delegation of
powers by
the Governor
in Council.

289. Every notification under this Act shall be published in the official Gazette of the district to which the said notification applies, both in English and a Vernacular language of the district.

Notification
to be pub-
lished in
district
Gazette.
Publication
of bye-laws,
orders,
notices, etc.

289A. Every bye-law, order, notice or other document, directed to be published under this Act, shall, unless a different method be prescribed by this Act or by the Municipal Council, be written in, or translated into, the vernacular of the district and deposited in the office of the Municipal Council, and a copy shall be posted up in a conspicuous position at such office and in such other places as the Municipal Council may direct. And a public

The word "compensation" was inserted by Mad. Act III of 1897, s. 195 (2).
S 289A was inserted by Mad. Act III of 1897, s. 196.

(Sch. A.)

proclamation shall be made throughout such municipality by beat of drum, notifying that such copy has been so posted up, and that the original is open to inspection in the office of the Municipal Council.

SCHEDULE A (SECTION 47).

TAX ON ARTS, PROFESSIONS, TRADES AND CALLINGS.

Class I.

Every person holding any office or appointment, public or private, or employed in any capacity, whose pay salary or pension amounts to Rs. 2,000 a month or upwards, and every person falling under any of the following denominations whose income is estimated to amount to Rs. 2,000 a month or upwards :—

- (i) Carrying on business as a Company ;
- (ii) Abkâri Renters, Wholesale and Retail Traders and Manufacturers of every kind, Contractors, Ship-owners, Boat-owners, Auctioneers and Commission Agents ;
- (iii) Bankers, Money-lenders, Money-changers and Pawnbrokers ;
- (iv) Editors and Proprietors of Newspapers ;
- (v) Dubashes, Under-writers, Brokers and Dealers in Securities, Shares or Bills of Exchange ;
- (vi) Practising Barristers, Advocates, High Court Vakîls, Solicitors, Attorneys, Pleaders and Law Agents ;
- (vii) Practising Medical Practitioners of all kinds, including Hakims and Vaidiyans ;
- (viii) Dentists and Veterinary Surgeons ;
- (ix) Architects and Civil Engineers ;

Yearly.
Rs.

100

¹ This schedule was substituted for the original Sch. A by Mad. Act III of 1897, s. 197. Printed, *infra* p. 1003.

(Sch. A.)

(x) Owners and Farmers of Markets and Toll-farmers ;	Yearly Rs.
(xi) Keepers of Hotels, Lodging-houses, Boarding-houses or Billiard Saloons ;	
(xii) Builders and Surveyors ;	
(xiii) Owners of Mills, Warehouses, Printing-presses, Oil-presses, Cot- ton-presses and other Presses and Factories of all kinds ;	100
(xiv) Professional Artists, Photographers, Actors, Owners or Managers of Circuses or Theatrical Companies ; Musicians and Dancers ;	
(xv) Dealers in animals or vehicles ; and Owners or keepers of livery-stables or hackney-carriages ;	
(xvi) Artizans.	

Class II.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount, to Rs. 1,500 a month or upwards . . .	75
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Class III.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount, to Rs. 1,000 a month or upwards . . .	50
---	----

Class IV.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount, to Rs. 500 a month or upwards . . .	25
---	----

Class V.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount, to Rs. 300 a month or upwards . . .	12
	2 1 2

Yearly.
Rs.

Class VI.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount, to Rs. 200 a month or upwards . . .	8
---	---

Class VII.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount, to Rs. 100 a month or upwards . . .	4
---	---

Class VIII.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount, to Rs. 50 a month or upwards . . .	2
--	---

Class IX.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount, to Rs. 30 a month or upwards . . .	1
--	---

NOTE.—The above classification is subject to the following provisos, namely :—

Proviso 1.—No owner of a Cotton-press shall be placed in any class below Class IV.

Proviso 2.—No Wholesale Trader, Ship-owner, Banker, Dubash, Barrister, Advocate, High Court Vakil, Solicitor, Attorney, Architect, Civil Engineer, Mill-owner or Factory-owner shall be placed in any class below Class V.

Proviso 3.—No Abkari Renter (other than a mere liquor-shop keeper) Editor or Proprietor of a Newspaper, Under-writer, Broker or other Dealer in Securities, Shares or Bills of Exchange, and no First-grade Pleader, Medical Practitioner (other than a Hakim or Vaidiyan), Dentist or Veterinary Surgeon shall be placed in any class below Class VI.

Proviso 4.—No Boat-owner, Auctioneer, Money-lender, Second-grade Pleader, Vakil, Law-Agent, Owner or Farmer of a Market, Toll-Farmer, Keeper of a hotel, lodging-house, boarding-house or billiard-saloon, and no Builder, Surveyor or Owner of a Warehouse or Press (other than a Cotton-press or Oil-press), shall be placed in any class below Class VII.

SCHEDULE B (SECTION 47).

VEHICLES WITH SPRINGS, PALANQUINS AND ANIMALS LIABLE TO TAXATION,
WITH THE RATES OF TAXATION.

	Half-yearly.		
	Rs.	A.	P.
For every four-wheeled vehicle with springs [¹ constructed to be] drawn by two or more horses	10	0	0 ²
For every four-wheeled vehicle with springs [¹ constructed to be] drawn by a horse, bull or bullock, or by two or more horses under thirteen hands, bulls or bullocks	5	0	0
For every two-wheeled vehicle with springs [¹ constructed to be] drawn by one or more horses, bulls or bullocks	3	0	0
Every other vehicle with springs and every palanquin, [³ bicycle or tricycle]	3	0	0
For every elephant	12	0	0
For every camel	6	0	0
For every horse over thirteen hands	5	0	0 ²
For every horse of or under thirteen hands	2	0	0 ²
For every horse of or under eleven hands	1	0	0 ²
For every bullock or bull	0	8	0
For every male buffalo	0	8	0
For every ass	0	4	0
For every dog	0	8	0 ³

SCHEDULE C (SECTION 80).

FORM OF APPLICATION FOR LICENSE FOR VEHICLES AND ANIMALS.

To the Chairman of the Municipal Council of

I hereby certify that I have in my possession the animals and vehicles set forth in the list given hereunder and no others liable to tax under Schedule B of Act of 188 for the half-year ending the day of 189

¹ The words "constructed to be" were inserted by Mad. Act III of 1897, s. 198 (1).

² These half-yearly rates were substituted for the original rates by Mad. Act III of 1897, s. 198 (3).

³ The words "bicycle or tricycle" were inserted by Mad. Act III of 1897, s. 198 (2).
Printed, *infra* p. 1003.

(Description of Vehicles and Animals.)

No.		Tax for the Half-year.		
		Rs.	Α.	P.
	Four-wheeled vehicle with springs [¹ constructed to be] drawn by two or more horses	10	0	0 ²
	Four-wheeled vehicle with springs [¹ constructed to be] drawn by a horse, bull or bullock, or by two or more horses under thirteen hands, bulls or bullocks	5	0	0 ²
	Two-wheeled vehicle with springs [¹ constructed to be] drawn by one or more horses, bulls or bullocks	3	0	0
	Other vehicle with springs or palanquin, [³ bicycle or tricycle]	3	0	0
	Elephant	12	0	0
	Camel	6	0	0
	Horse over thirteen hands	5	0	0 ²
	Horse of or under thirteen hands	2	0	0 ²
	Horse of or under eleven hands	1	0	0
	Bullock or bull	0	8	0
	Male buffalo	0	8	0
	Ass	0	4	0
	Dog	0	8	0 ²
Date	Signature.			
	Residence.			

SCHEDULE D (SECTION 47).

MAXIMUM RATES OF TOLLS PAYABLE ON ENTERING THE MUNICIPAL LIMITS.

	Tax for the Half-year.		
	Rs.	Α.	P.
On every four-wheeled vehicle with springs	0	8	0
On every jatka, hackery or cart * * * laden	0	4	0
On every jatka, hackery or cart * * * not laden	0	2	0
On every other vehicle with springs and every palanquin, [⁶ bicycle or tricycle]	0	4	0

¹ See first footnote on preceding page.

² See second footnote on preceding page.

³ See third footnote on preceding page.

⁴ Words repealed by Mad. Act III of 1897, s. 199 (1), are omitted.

⁵ These words were inserted by Mad. Act III of 1897, s. 199 (2).

(Schs. D & E.)

						Tax for the Half-year.		
						Rs.	A.	P.
¹ On every buffalo, bull, bullock, cow or ass, laden or ridden, and on every horse under thirteen hands . . .						0	1	0
On every horse not under thirteen hands * * * * *						0	2	0
* * * * *						* * *		
On every elephant						1	0	0
On every camel						0	4	0

EXPLANATION (1) "Laden."—An animal is not said to be laden when it is merely accounted for the purpose of being laden or ridden.

[²EXPLANATION (2).—Tolls are leviable upon vehicles at the above rates irrespective of the means of traction employed, and the payment of a toll in respect of any vehicle covers the animals engaged in drawing it.]

⁵ SCHEDULE E (SECTION 104).

DISTRAINT WARRANT.

To

(Here insert the name of the officer charged with the execution of the Warrant.)

Whereas of has not paid or shown sufficient cause for the non-payment of the sum of rupees due for the taxes mentioned in the margin from the 18 , although the said sum has been duly demanded from the said and fifteen (or "three," as the case may be,) days have elapsed since such demand was made. This is to command you to distrain the goods and chattels of the said

(or as the case may be, any goods and chattels found on the premises referred to) to the amount of the said sum of rupees, together with for warrant-fee and distraint-fee, making together a sum of , and such further sum as may be sufficient to defray the charges of taking, keeping and selling such distraint; and if, within seven days next after such distraint, the amounts due on account of the said taxes and fees shall not be paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distraint, to sell the said

¹ This item was substituted for the original item by Mad. Act III of 1897, s. 199 (3).

² The words "laden or ridden" were repealed by Mad. Act III of 1897, s. 199 (4).

³ Item seven was repealed by Mad. Act III of 1897, s. 199 (5).

⁴ This explanation was added by Mad. Act III of 1897, s. 199 (6).

⁵ Schs. E and F were substituted for the original schedules by Mad. Act III of 1897, s. 200. Printed, *infra* p. 1003.

(Schs. F & G.)

goods and chattels; and having paid and deducted out of the proceeds of the sale the amount due on account of the said taxes and fees

rupees, and the charges of taking, keeping and selling such distraint, to return the surplus, if any, on demand, to the person whom you found in possession of the said goods and chattels. If sufficient distraint cannot be found of the goods and chattels of the said you are to certify the same to me together with this warrant.

(L.S.)

Date

(Signature or Stamp of the Chairman of the Municipal Council.)

SCHEDULE F (SECTION 105).

FORM OF INVENTORY AND NOTICE.

(State particulars of goods seized.)

Take notice that I have this day seized the goods and chattels specified in the above inventory for the sum of rupees due for the taxes mentioned in the margin for the 18 ; and that, unless you pay into the office of the Municipal Council of the amount due, together with the warrant-fee, the distraint-fee and the cost of taking and keeping the goods and chattels, within seven days from the day of the date of this notice, the goods and chattels will be sold on the day of 18 , at the Municipal Office, or at such other place as the Chairman may direct; and that the goods and chattels may be sold at any previous date, if they are liable to speedy and natural decay.

(Signature of the officer executing the Warrant of Distress.)

Date

SCHEDULE G (SECTION 108).

TABLE OF FEES PAYABLE ON DISTRAINTS UNDER THIS ACT.

Sums distrained for							Fees.		
							Rs.	A.	P.
Under 1 rupee	.	.	.	.	.	.	0	4	0
1 and under 5 rupees	.	.	.	.	.	.	0	8	0
5 „ 10 „	.	.	.	.	.	.	1	0	0
10 „ 15 „	.	.	.	.	.	.	1	8	0

¹ See last footnote on preceding page.

(Sch. G.)

1884: Mad. Act V.] *Local Boards.*

Sums distrained for

Fees.

								Rs.	A.	P.
15 and under	20	rupees .	.	.	.	.	.	2	0	0
20	„	25	„	.	.	.	.	2	8	0
25	„	30	„	.	.	.	.	3	0	0
30	„	35	„	.	.	.	.	3	8	0
35	„	40	„	.	.	.	.	4	0	0
40	„	45	„	.	.	.	.	4	8	0
45	„	50	„	.	.	.	.	5	0	0
50	„	60	„	.	.	.	.	6	0	0
60	„	80	„	.	.	.	.	7	8	0
80	„	100	„	.	.	.	.	9	0	0
100 and above	100	„	.	.	.	.	.	10	0	0

The above charge includes all expenses, except when peons are kept in charge of property distrained, in which case three annas must be paid daily for each man.

THE MADRAS LOCAL BOARDS ACT, 1884.

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ACT No. V of 1884. ¹

[29th April, 1884 ; 2nd July, 1884.]

The Madras Local Boards Act.

WHEREAS it is expedient to make better provision for the organization of local boards in the Presidency of Fort St. George ; for the construction, repair and maintenance of roads and communications in local areas therein not included within the limits of any municipality ; for the diffusion of education in such local areas ; and for other objects of public utility calculated to promote the health, comfort and convenience of the inhabitants of such local areas ; It is hereby enacted as follows :—

Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be called the Madras Local Boards Act, 1884.

Short title.

2. (1) It extends to the territories for the time being administered by the Governor in Council of Fort St. George situated beyond the limits of the City of Madras as defined under the City of Madras Municipal Act, 1884,² or other law in force for the time being, and not included in any municipality, as defined under the Madras District Municipalities Act, 1884,³ or other law in force for the time being.

Local extent.

Mad. I of
1884.Mad. IV
1884.

* * * * *

(2) It shall come into force in any district on such date as the Governor in Council may by notification direct.⁴

Commence-
ment of Act.

3. In this Act, unless there is something repugnant in the subject or context,—

Interpreta-
tion clause.

(i) “building” includes walls, and also houses, huts, sheds, roofed enclosures and constructions appurtenant thereto, whether used for the purpose of human habitation or otherwise :

“Building.”

¹ For the Statement of Objects and Reasons, see Fort St. George Gazette, Supplement, dated 20th November, 1883, p. 33 ; for Report of the Select Committee, see *ibid.*, Extraordinary, dated 8th March, 1884 ; for Proceedings in Council, see *ibid.*, Supplement dated 11th December, 1883, p. 38, and *ibid.* dated 29th April, 1884, p. 12.

It has been extended, under sections 5 and 5A of the Scheduled Districts Act, 1874 (XIV of 1874), with modifications, to 122 villages in the Parlakimedi Mahals in the Scheduled Districts in Ganjam—see Gazette of India, 1894, Pt. I, p. 168.

² These figures were substituted for the figures “1878,” and the words “or in any scheduled district, as defined under the Scheduled District Act, 1874, or other law in force for the time being” were repealed by s. 3 of the Madras Local Boards Act, 1900 (Mad. Act VI of 1900), with effect from the 1st April, 1901. For Act VI, see *infra* p. 1035.

³ Printed, *supra* p. 548.

⁴ For list of districts in which the Act has been brought into force, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, p. 534 ; also Gazette of India, 1901, Pt. I, p. 635 ; and Fort St. George, 1901, Pt. I, p. 1428.

⁵ This section was substituted for the original section by section 5 of the Madras Local Boards Act Amendment Act, 1900 (Mad. Act VI of 1900), with effect from 1st April, 1901.

(Chapter I.—Preliminary. Sec. 3.)

- Company."** (ii) "company" means a company registered under the Indian Companies Act, 1882,¹ or under the Acts of Parliament known 1 V of 1862. under the collective title of the Companies Acts, 1862 to 1893, or incorporated by an Act of Parliament or of the Governor General in Council or by royal charter or letters patent :
- "District."** (iii) "district" means any local area, which, for the purposes of the collection of land-revenue, shall have been placed, for the time being, under the charge of a Collector of a district, or which for the purposes of this Act the Governor in Council may by notification from time to time declare to be a district or to be attached to and to form part of a district :
- "Gender."** (iv) words importing the masculine gender shall be taken to include females :
- "Guardian."** (v) "guardian" means any person to whom the care, nurture or custody of any child falls by law, or by natural right or recognised usage, or who has accepted or assumed the care, nurture or custody of any child, or to whom the care or custody of any child has been entrusted by any lawful authority :
- "Horse."** (vi) "horse" includes pony and mule :
- "House."** (vii) "house" includes any shop or warehouse :
- "Inoculation."** (viii) "inoculation" means any operation performed with the object of producing the disease of small-pox by means of variolous matter :
- "Inhabitant."** (ix) "inhabitant" means any person who has been ordinarily residing in any local area for a period of six months or upwards :
- "Landholder."** (x) "landholder" includes all persons holding under a sanad-i-milkiat-istimrar, all other zamindars, poligars, shrotriendars, jagirdars and inamdars, and all persons farming the land-revenue under Government; all holders of land in Malabar under whatever tenure; and all holders of land under raiyatwar-settlement, or in any way subject to the payment of land-revenue direct to Government, and all registered holders of land in proprietary right :
- "Latrine."** (xi) "latrine" includes privy :
- "Local board."** (xii) "local board" means and includes any district board or taluk board constituted under this Act :

(Chapter I.—Preliminary. Sec. 3.)

- (xiii) "local fund" means and includes a district fund, a taluk fund and a union fund : "Local fund."
- (xiv) "Magistrate" means a Magistrate appointed under the Code of Criminal Procedure, [1898]. "Magistrate."
- (xv) (a) "market" means any place which is a market at the passing of this Act or which may have been declared under section 117A to be a market : "Market."
- (b) "public market" means any market belonging to a local board or constructed, repaired or maintained out of the local fund : "Public market."
- (c) "private market" means any market, not being a public market : "Private market."
- (xvi) "notice" means a notice in writing, and "writing," with its grammatical variations and cognate expressions, shall include "printing," "lithography," "photography," with their grammatical variations and cognate expressions, and other modes of representing or reproducing words in a visible form : "Notice."
- (xvii) "nuisance" means any act, omission or thing causing or likely to cause any common injury, annoyance, offence, harm, danger or damage to the sense of sight, smell or hearing of, or which is or is likely to be dangerous or injurious to the health or property of, the public or the people in general who dwell or occupy property in the vicinity or persons who may have occasion to use any public right : "Nuisance."
- (xviii) "owner" includes the person for the time being receiving or entitled to receive the rent or profits of the property, or in charge of the animal or thing in connection with which the word is used, whether on his own account or as agent or trustee for another person : "Owner."
- (xix) "palaquin" includes tonjons, manchils and chairs carried by men by means of poles, but not slings or cots used for the conveyance of children or aged or sick people : "Palanquin."
- (xx) "panchayat" means the body of persons constituted for a union under this Act : "Panchayat."
- (xxi) "parent" means the father of a legitimate child and the mother of an illegitimate child : "Parent."
- (xxii) "person" includes any company or association or body of individuals, whether incorporated or not : "Person."

¹ These figures were substituted for "1882" by the Repealing and Amending Act, 1901 of 1901)—see the Second Schedule, Part III.

(Chapter I.—Preliminary. Sec. 3.)

- “Road.” (xxiii) (a) “road” includes any road, street, square, court, alley or passage, whether a thoroughfare or not, over which the public has a right of way, together with the drains on either side and with the land, whether covered or not by any pavement, verandah or other erection, which lies on either side of the roadway up to the boundaries of the adjacent property, whether that property be private property or property reserved by Government for other purposes; and also includes the roadway over any public bridge or causeway:
- “Public road.” (b) “public road” means any road which is now vested in a local board or which may hereafter be made at the cost of the local fund or which may hereafter be declared under section 53 to be a public road:
- “Salaried office.” (xxiv) “salaried office” does not include the office of a village-headman, karnam or other village-officer mentioned in the Madras Village-cess Act, IV of 1893:
- “Schedule.” (xxv) “schedule” means a schedule to this Act. The schedule shall be read as part of this Act:
- “Taluk.” (xxvi) “taluk” means any part of a district which may be declared to be a taluk in the manner hereinafter provided:
- “Tenant.” (xxvii) “tenant” includes all persons who whether personally or by an agent occupy land under a landholder or an intermediate landholder, and whether or not they pay rent to such landholder or intermediate landholder, as the case may be:
- “Union.” (xxviii) “union” means any revenue village or villages or any portion or portions thereof which may be declared to be a union in the manner hereinafter provided:
- “Unprotected child.” (xxix) “unprotected child” means a child who has not been protected from small-pox by having had that disease either naturally or by inoculation or by having been successfully vaccinated, or who has not been certified in the manner hereinafter provided to be insusceptible of vaccination:
- “Vaccinator.” (xxx) (a) “vaccinator” means a public or private vaccinator:
- “Public vaccinator.” (b) “public vaccinator” means any vaccinator employed under this Act by any local board, and includes a deputy inspector of vaccination:
- “Private vaccinator.” (c) “private vaccinator” means any person duly licensed to perform the operation of vaccination:
- “Number.” (xxxi) words in the singular shall include the plural, and *vice versa*.

(Chapter I.—Preliminary. Secs. 4-5.)

4. On this Act coming into force, as provided in section 2, in any district, the following consequences shall ensue :—

Consequences
of Act com-
ing into
force.

Mad. IV
of 1871.

- (i) the Madras Local Funds Act, 1871, shall cease to apply to such¹ district ;
- (ii) the local fund circle or circles and the local fund board or boards established under the said Act in such district shall cease to exist : Provided that the members of the local fund board or boards of the circle or circles in such district, appointed under the said Act and holding office at the time this Act comes into force, shall be deemed to have been appointed members of the district board under this Act, but shall go out of office on the expiry of the term for which they shall have been originally appointed ;
- (iii) all property vested in the said local fund board or boards shall vest in the district board for the purposes of this Act, subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting, such property ;
- (iv) every contract entered into by the said local fund board or boards may be enforced by and against the district board in like manner as it might have been enforced by and against the local fund board or boards if this Act had not been passed ;
- (v) the district board shall be substituted for the said local fund board or boards in all suits or other proceedings pending by or against the said local fund board or boards at the time this Act comes into force.

5. The Governor in Council may, by notification,² from time to time, declare any part of a district to be a taluk for the purposes of this Act ; and the provisions of this Act regarding taluk boards shall come into force in any taluk on such date as may be specified in the said notification : Provided that the Governor in Council may [³by an order in writing published together with a statement of his reasons for making the same] in like manner at any time modify or cancel such declaration, dissolve any taluk board and pass such orders as to the disposal of the property theretofore vested in such board

Establish-
ment of taluk
board.

Abolition of
taluk board

¹ Act IV of 1871 is only in force in such districts to which this Act has not been applied. As to districts in which the Act has been brought into force, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, p. 584.

² For list of notifications declaring the formation of taluks, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, pp. 535-547.

³ These words were inserted in the section by s. 6 of the Madras Local Boards Act Amendment Act, 1900 (Mad. Act VI of 1900), with effect from the 1st April 1901.

(Chapter I.—Preliminary. Secs. 6-7. Chapter II.—Local Boards and their Constitution. Sec. 8.)

as he may deem fit. [¹ But no order dissolving a taluk board shall be passed without previously intimating to the district board to which the taluk board is subordinate and to the taluk board the grounds upon which the proposal is based and considering the explanation and objections, if any, of the district board and the taluk board.]

Unions.

²6. (1) The Governor in Council may, by notification, from time to time, declare [³ any village or villages or any portion or portions thereof] to be an union for the purposes of this Act, and may [by an order in writing published together with a statement of his reasons for making the same] at any time in like manner modify or cancel such declaration, and dissolve the pancháyat of the union concerned.

(2) The provisions of this Act regarding pancháyats shall come into force in any union on such date as may be specified in the notification declaring it to be an union.

Reference in
prior Acts,
etc.

7. Where, in any Act, Regulation or notification passed or issued prior to the day on which this Act comes into force, reference is made to the Madras Local Funds Act, 1871, ⁴ such reference shall, so far as may be practicable, be read as applying to this Act or the corresponding part thereof. Mad. IV of 1871.

CHAPTER II.

LOCAL BOARDS AND THEIR CONSTITUTION.

1.—District Boards.

Establish-
ment of a
district
board.

8. There shall be constituted for each district a district board, having authority over such district, and consisting of a president and of not less than twenty-four persons, ⁵ [provided that the Nilgiri district board shall consist of a president and not less than twelve persons,] who shall be called the members of the district board.

¹ These words were added to the section by s. 6 of the Madras Local Boards Act Amendment Act, 1900 (Mad. Act VI of 1900), with effect from the 1st April, 1901.

² For notifications under the section, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, pp. 547-600.

³ These words were substituted for the words "any village or group of villages" by the Madras Local Boards Act Amendment Act, 1900 (Mad. Act VI of 1900), s. 7, with effect from 1st April, 1901.

⁴ These words were inserted by s. 7 of the Madras Local Boards Act Amendment Act, 1900 (Mad. Act VI of 1900), with effect from 1st April, 1901.

⁵ As to the repeal of this Act, see footnote to s. 4.

This proviso was inserted by s. 8 of the Madras Local Boards Act Amendment Act, 1900 (Mad. Act VI of 1900), with effect from 1st April, 1901.

(Chapter II.—Local Boards and their Constitution. Secs. 9-13.)

9. (1) The Collector of the district shall *ex officio* be [1member and] president of the district board.

The Collector of the district to be *ex officio* member and president.

(2) But it shall be competent to the Governor in Council [1to appoint one of the members of any district board to be the president of such board or] by notification, from time to time, to authorize the members of any district board to appoint their president by election from among their own number, subject to the approval of the Governor in Council and in accordance with such rules and conditions as may from time to time be prescribed by him :

Governor in Council may authorize the members to elect president,

Provided that the Governor in Council may at any time, by notification, withdraw such authority. [1But no such notification shall be issued without previously intimating to the district board the grounds upon which the proposal is based and considering the explanation and objections, if any, of the district board].

and may withdraw such authority.

10. Every Revenue-officer in charge of a division of the district shall *ex officio* be a member of the district board.

Revenue-officers in charge of divisions to be *ex officio* members. Appointment of other members.

11. The other members of the district board may be—

(a) either wholly appointed by the Governor in Council, or

(b) partly so appointed and partly appointed by election by the members of the taluk boards in the district from among their own number, or, in any part of the district over which there is no taluk board having authority, by the pancháyats, and by the taxpayers and inhabitants of such part of the district, subject to such rules and conditions as may from time to time be prescribed by the Governor in Council.

12. Any person holding a salaried office under Government in the district may be appointed 2 [by name or in virtue of his office] to be a member of the district board :

Proportion of officials and non-officials.

Provided that the number of such persons appointed by the Governor in Council to be members of any district board together with the *ex officio* members shall not exceed one-fourth of the whole number of members of such board.

13. In any district where the members of the district board are partly appointed by election, the number of persons so appointed shall, unless the

Proportion to be elected.

¹ These words were respectively inserted and added by s. 9 of the Madras Local Boards Act Amendment Act, 1900 (Mad. Act VI of 1900), with effect from 1st April, 1901.

² These words were inserted by section 10 of Mad. Act VI of 1900, with effect from 1st April, 1901.

(Chapter II.—Local Boards and their Constitution: Secs. 14-15.)

Governor in Council otherwise directs, be three-fourths of the whole number of the members of such district board.

2.—Taluk Boards.

Establishment of taluk boards.

14. There shall be constituted for each taluk a taluk board, having authority over such taluk and consisting of a president and of not less than twelve persons, who shall be called the members of the taluk board.

The Revenue-officer in charge of the division of the district to be *ex officio* member and president. Governor in Council to declare who is to be president of a taluk board when the taluk contains areas belonging to more than one revenue-division.

15. (1) The Revenue-officer in charge of the division of the district wherein any taluk is situated shall *ex officio* be [¹ member and] president of the taluk board of such taluk.

¹ (2) In the event of a taluk constituted under section 5 containing areas belonging to more than one revenue-division, the Governor in Council shall declare which of the revenue divisional officers concerned shall *ex officio* be member and president of the taluk board, and the other or others shall be members.

But the Governor in Council may appoint, or authorize the election of, president,

(3) But it shall be competent to the Governor in Council [¹ to appoint one of the members of any taluk board to be president of such board or], by notification, from time to time, to authorize the members of any taluk board to appoint their president by election from among their own number, subject to the approval of the Governor in Council and in accordance with such rules and conditions as may from time to time be prescribed by him :

and may withdraw such authority.

Provided that the Governor in Council may, at any time, by notification, withdraw such authority. [¹ But no such notification shall be issued without previously intimating to the taluk board the grounds upon which the proposal is based and considering the explanation and objections, if any, of the taluk board.]

When the president is appointed or elected the Revenue-officer of

¹ (4) Whenever the president of a taluk board is appointed or elected as provided in sub-section (3), the Revenue-officer in charge of every division or portion of a division included in the taluk constituted under section 5 shall *ex officio* be a member of the taluk board of such taluk, and when one of such

¹ These words were inserted, sub-section (2) renumbered (3), and the present sub-sections (2) and (4) added by s. 11 of the Madras Local Boards Act Amendment Act 1900 (Mad. Act VI of 1900), with effect from the 1st April, 1901.

(Chapter II.—Local Boards and their Constitution. Secs. 16-19.)

revenue-officers is elected as president, the others shall *ex officio* be members of the taluk board.

every division or portion of a division to be *ex officio* member. Appointment of members.

16. The [1other] members of the taluk board may be—

- (a) either wholly appointed by the Governor in Council, or
- (b) partly so appointed and partly appointed by election by the members of the pancháyats in the taluk from among their own number or by the taxpayers and inhabitants of the taluk,

subject to such rules and conditions as may from time to time be prescribed by the Governor in Council.

17. Any person holding a salaried office under Government in the taluk may be appointed [2by name or in virtue of his office] to be a member of the taluk board: Provided that the number of such persons appointed by the Governor in Council to be members of any taluk board shall not exceed one-third of the whole number of members of such board.

Proportion of officials and non-officials.

18. In any taluk where the members of the taluk board are partly appointed by election the number of persons so appointed shall, unless the Governor in Council otherwise directs, be two-thirds of the whole number of the members of such taluk board.

Proportion to be elected.

3.—General Sections in regard to the Constitution of District and Taluk Boards.

19. Upon this Act coming into force in any district or taluk the Governor in Council shall, by notification, declare—

The Governor in Council shall declare the number of members, etc.

- ³ (i) what shall be the maximum number of persons to be appointed, for the time being, members of any district or taluk board,
- ³ (ii) what shall be the number or proportion, if any, of such members to be appointed by election:

Provided that the Governor in Council may, by notification, from time to time, cancel or modify such declaration. [4But no such notification shall be issued without previously intimating to the district or taluk board the grounds upon which the proposal is based and considering the explanation and objections, if any, of the district or taluk board, as the case may be, and such

¹ This word was inserted by s. 12 of Mad. Act VI of 1900, printed, *infra*, p. 1037.

² These words were inserted by s. 13 of Mad. Act VI of 1900.

³ For notifications issued under these clauses, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, pp. 600-612.

⁴ The words were added by s. 14 (a) of Madras Local Boards Act Amendment Act, 1900 (Mad. Act VI of 1900) with effect from 1st April, 1901.

(Chapter II.—Local Boards and their Constitution. Secs. 20-22)

notification shall not come into force until one month after the same shall have been published in the Fort St. George Gazette.]

Appointment
of vice-president
by Governor
in Council.
Election of
vice-president.

20. The Governor in Council may appoint one of the members of [¹any] local board to be the vice-president of such board, or he may, by notification,² from time to time, authorize the members of any local board to appoint their vice-president by election from among their own number, subject to the approval of the Governor in Council and in accordance with such rules and conditions as may from time to time be prescribed by him :

Provided that the Governor in Council may, by notification, at any time, withdraw such authority.

Consequence
of election of
president,

21. (1) In any local board where there is a president duly appointed [³or elected], the Collector of the district or the revenue-officer in charge of the division of the district, as the case may be, wherein such local board is situated, shall at once vacate the office of president.

and of vice-president.

(2) In any local board where there is a vice-president, duly appointed by election, the vice-president holding office at the time of such appointment shall at once vacate the office of vice-president.

Term of
office of
members.

22. (1) [⁴Subject to the provisions of section 24, every person appointed or elected as aforesaid to be a member of a local board shall continue in office for three years from the date of the Fort St. George Gazette wherein his appointment was notified, and he shall then cease to be a member of such board : ⁵]

Provided that any member of a taluk board or of a panchayat [⁶elected to be a member of a district board or of a taluk board shall vacate his office of member of such district board or taluk board on his ceasing to be a member of the taluk board or panchayat.

President
or vice-president
vacates office
on ceasing to
be member of
board, etc.

(2) [⁴Any member of a local board appointed or elected to be president or vice-president shall be deemed to have vacated such office on the expiry of the term for which he was originally appointed or elected member or on his otherwise ceasing to be a member or upon the withdrawal of the authority given under sub-section (2) of section 9 or sub-section (3) of section 15 or section 20.]

¹ This word was substituted for the word "each" by s. 14 (b) of Mad. Act VI of 1900.

² For notifications under this section, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, p. 612.

³ These words were substituted for the words "by election" by s. 15 of Mad. Act VI of 1900. Printed, *infra*, p. 1037.

⁴ These words were substituted for the first clause of sub-section (1), the word "elected" for the word "appointed" in the proviso to the sub-section, and sub-section (2) for the original sub-section, by section 16 (a), (b) and (c), respectively, of Mad. Act VI of 1900.

(Chapter II.—Local Boards and their Constitution. Secs. 23-24.)

(3) But any outgoing president, vice-president or member of any local board shall, if otherwise qualified, be eligible for re-appointment.

Outgoing member eligible for re-appointment. Resignation of office.

23. (1) Any person appointed to be president, vice-president or a member of a local board may tender his resignation to the Governor in Council, and on the acceptance of such resignation such person shall be deemed to have vacated his office.

(2) [1Any person holding a salaried office under Government who is a member of a local board shall, on being permanently transferred from the local area over which such board has authority or on quitting such local area with the intention of remaining absent therefrom for more than three months, or on his resignation, suspension, removal or retirement from his office under Government, be deemed to have vacated his office of member of such board.]

Member who is a Government servant vacates office on transfer, etc.

24. (1) The Governor in Council may, [2by notification, remove any president, vice-president or member of a local board other than an *ex officio* president or member]:

Removal of members of local board.

(i) if he [3is absent for more than three months from the local area over which such board has authority or] refuses to act or becomes incapable of acting or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Governor in Council, a defect of character which unfits him to be president, vice-president or member of a local board;

(ii) if he, without excuse sufficient, in the opinion of the Governor in Council, neglects for more than three consecutive months to be present at the meetings of the local board;

(iii) if his continuance in office is, in the opinion of the Governor in Council, dangerous to the public peace or order [3or likely to bring the administration of the local board into contempt];

4(iv) in the case of a president, if he, without an excuse sufficient in the opinion of the Governor in Council, omits or refuses to carry out any resolution of the Board.

4 (2) When the Governor in Council proposes to take action under

¹ This sub-section was substituted for the original sub-section by s. 17 of the Madras Local Boards Act Amendment Act, 1900 (Mad. Act VI of 1900), with effect from 1st April, 1901.

² These words were substituted for the words "at any time remove any president, vice-president or member of a local board" by Mad. Act VI of 1900, s. 18, with effect from 1st April, 1901.

³ These words were inserted in cls. (i) and (iii), respectively, by cls. (b) and (c), respectively, of s. 18 of Mad. Act VI of 1900, with effect from 1st April, 1901.

⁴ This clause was added, sub-s. (2) renumbered (3), and the present sub-s. (2) was added, by cls. (d) and (e), respectively, of Mad. Act VI of 1900, with effect from 1st April, 1901.

(Chapter II.—Local Boards and their Constitution. Secs. 25-28.)

clause (iii) of sub-section (1), he shall not pass orders without giving an opportunity of explanation to the president, vice-president or member concerned.

Re-election.

(3) The Governor in Council may prescribe a period during which any person so removed shall not be eligible for re-appointment or re-election.

Filling of casual vacancies.

25. (1) When the office of president, vice-president or member of any local board becomes vacant, a new president, vice-president or member shall, unless the Governor in Council otherwise directs [¹in the exercise of the powers vested in him under this Act], be appointed in the same manner as his predecessor was appointed.

Vacancy in the office of president.

(2) In any local board where the office of president becomes vacant, the Collector of the district in the case of a district board, and in the case of a taluk board the revenue-officer in charge of the division of the district wherein the office of such board is situated, shall assume the style and functions of the office of president.

President, vice-president or chairman alone may receive remuneration.

² 26. No member of a local board or pancháyat, other than the president, vice-president or chairman, shall receive any salary or other remuneration from the funds at the disposal of or under the control of such board or pancháyat, and no president, vice-president or chairman shall receive any such salary or remuneration unless the payment thereof shall have been sanctioned by the local board or pancháyat with the approval of the Governor in Council.

Incorporation of local boards.

27. Every local board shall be a body corporate by the name of the local board of the local area for which it shall have been established and over which it has authority, shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and, subject to such rules as may from time to time be prescribed by the Governor in Council, to transfer any property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

Appointments other than *ex officio* to be notified in the Gazette.

³ 27A. The election and appointment, otherwise than *ex officio*, of every president, vice-president and member of a local board shall be notified in the Fort St. George Gazette.

4.—Mode of transacting Business.

Local board to keep an office.

28. Every local board shall provide an office, and shall meet for the

¹ These words were inserted by s. 19 of Mad. Act VI of 1900, with effect from 1st April 1901.

² This section was substituted for the original section by s. 20 of Mad. Act VI of 1900, with effect from 1st April, 1901.

³ This section was inserted by s. 21 of Mad. Act VI of 1900, with effect from 1st April, 1901.

(Chapter II.—Local Boards and their Constitution. Secs. 29-31.)

transaction of business upon such days and at such times as [it] may arrange, and also at other times as often as a meeting shall be called by the president or, in his absence, by the vice-president :

Provided that every taluk board shall meet at least once in every month.

29. The president or, in his absence, the vice-president shall, at any time, on the requisition in writing of not less than one-third of the [members then on any local board], call a meeting of such board :

President or vice-president to call a meeting on requisition.

Provided that no such meeting shall be held unless a notice of the meeting specifying the time and place at which and the purpose for which it is to be held has at least six days previous to the day of such meeting been addressed and sent by the president or vice-president to each of the members.

29A. All meetings of a local board shall be open to the public :

Meetings of local boards to be public.

Provided that the presiding member may, in any particular case, direct that the public generally or any particular person shall withdraw.

30. At every meeting of a local board the president or, in his absence, the vice-president shall preside. In the absence from any meeting of the president and vice-president, the members of the local board present at the meeting shall choose some one of their number to preside thereat.

Who to preside at meetings.

31. (1) No business shall be transacted at a meeting unless at least one-fourth of the whole number of members [then on the board, not being less than three,] be present

Quorum.

⁴ [If at the time appointed for a meeting under this sub-section or within half an hour thereafter, a quorum is not present, the president, vice-president or presiding member may adjourn the meeting till some future day.]

(2) All questions which may come before a local board at any meeting shall be decided by a majority ; and in every case of equality of votes the president or the presiding member shall have a second or casting vote.

Decision by majority.

Casting vote.

⁴ [(3) No member of a local board shall vote on any question coming before the board for consideration in which (otherwise than in its general application to all persons and properties within the local area) he has any pecuniary interest.]

Interested member not to vote.

(4) No resolution of any local board shall be modified or cancelled within three months by such board, except at a meeting specially convened in that

Modification or cancellation of resolutions.

¹ The word "it" was substituted for the word "they" by s. 22 of Mad. Act VI of 1900.

² These words were substituted for the words "members of any local Board" by s. 23 of Mad. Act VI of 1900.

³ This section was inserted by s. 24 of Mad. Act VI of 1900.

⁴ These words were inserted, the last clause added to sub-s. (1), sub-s. (3) renumbered (4), the present sub-s. (3) added, and the words "then on such board" substituted for the words "of such board," by s. 31 (a), (b) and (c), respectively, of Mad. Act VI of 1900, all with effect from 1st April, 1901.

(Chap. II.—Local Boards and their Constitution. Secs. 32-33.)

behalf and by a resolution of such local board supported by not less than one-half of the whole number of the members [¹then on such board.]

Minutes of proceedings.

32. (1) Minutes of the resolutions of [²a] local board passed at each meeting shall be drawn up and entered in a book to be kept for that purpose, and shall be signed by the president or the member who presided at such meeting, and shall, at all reasonable times and without charge, be open at the office of the local board to the inspection of any person who pays a tax under this Act in respect of any property situated within the local area of such board.

Copies of minutes to be sent to Collector or Divisional Officer for publication

(2) A copy of the minutes of the resolutions of each meeting shall, within three days from the date thereof, be transmitted to the Collector of the district in the case of a district board, and in the case of a taluk board to the revenue-officer in charge of the division of the district wherein the office of such taluk board is situated, for publication in the District Gazette in English and a Vernacular language of the district at the cost of such local board :

³Provided that the president shall immediately submit to the said Collector or the revenue-officer, as the case may be, any minute of dissent that may be forwarded to him within forty-eight hours of the meeting by any member.]

Certified copies of proceedings and records.

²(3) The president, and in his absence the vice-president, shall have the custody of the proceedings and records of the local board, and may grant copies of any such proceedings and records on payment of such fees as the local board may, by general or special order, prescribe. Copies granted under this sub-section shall be certified by the president or the vice-president as provided in section 76 of the Indian Evidence Act, 1872,⁴ and copies so certified may be used to prove the records of the local board in the same manner as they may, under sub-section (5) of section 78 of the said Act, be used to prove the proceedings of that body. 1 of 1872.

Executive power vested in the president.

33. (1) The resolutions of [⁵a] local board shall be carried into effect by the president, in whom the entire executive power of the board shall be vested, and who shall be directly responsible for the due fulfilment of the purposes of this Act.

¹ See last footnote on preceding page.

² The word "a" was substituted for the word "the" by s. 26 (a) of Mad. Act VI of 1900.

³ This proviso was added to sub-s. (2) and sub-s. (3) added to the section, by s. 26 of the Madras Local Boards Act, 1900 (Mad. Act VI of 1900), with effect from 1st April, 1901.

⁴ For Act I of 1872, see the revised edition, as modified up to 1st April, 1899, published by the Legislative Department.

⁵ The word "the" was substituted for the word "a", the words "at a meeting" in sub-s. (2) were omitted, and sub-s. (3) substituted for the original sub-section, by s. 27 of Mad. Act VI of 1900.

(Chapter II.—Local Boards and their Constitution. Secs. 33A-34.)

(2) It shall not be lawful for the president to exercise any power which by this Act it is expressly declared shall be exercised by the local board * * * .¹

Exception.

[¹(3) The president may from time to time authorize the vice-president, by an order in writing, to exercise any of the powers conferred or to perform any of the duties imposed on the president by this Act, and may at any time in like manner modify or cancel such order :

Delegation of powers by president to vice-president.

Provided that the delegation of powers or duties under this sub-section shall not relieve the president of any responsibility imposed upon him by this Act.]

33A.² Notwithstanding anything contained in sub-section (2) of section 33, it shall be lawful for the president in cases of emergency to direct the execution of any work or the doing of any act which the local board is empowered to execute or do and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public, and to direct that the expense of executing such work or doing such act, incurred as the emergency may require, shall be paid from the local fund :

President's powers in emergencies.

Provided that every direction given under this section shall be reported at the next following meeting of the local board.

34. (1) Every local board * * * * may, from time to time, make rules consistent with this Act, and with any rules framed by the Governor in Council, in regard to the following matters:—

Rules as to business.

- (i) the time and place of [its] meetings ;
- (ii) the manner in which notice thereof shall be given ;
- (iii) the conduct of proceeding at meetings ;
- (iv) the division of duties among the members of the board ;
- (v) the appointment and procedure of committees consisting wholly of a certain number of members of the board, or partly of such members and partly of other inhabitants of the local area for the superintendence and management of educational institutions, hospitals, dispensaries, choultries or other institutions maintained by the board ;
- (vi) the persons by whom receipts may be granted for money paid to the board ;
- ³(vii) the inspection by members of the board of institutions under the control of such board and the inspection of accounts, books,

¹ See last note on preceding page.

² This section was inserted by s. 28 of the Madras Local Boards Act, 1900 (Mad. Act VI of 1900), with effect from 1st April, 1901.

³ The " words at a meeting " were omitted, the word " its " substituted for the word " their," cl. (vii) re-numbered (viii), and the present cl. (vii) and sub-s. (2) inserted by s. 29 (a) and (b), respectively, of Mad. Act VI of 1900. *Infra*, p. 1039.

(Chapter II.—Local Boards and their Constitution. Secs. 35-36.)

registers and returns, reports, statements and other documents appertaining thereto, belonging to such institutions ; and

¹(viii) all other similar matters.

Execution of resolutions if president is negligent.

¹(2) No rule made under this section shall take effect until it has been published in the manner prescribed by the Governor in Council.

35. (1) If at any time it appears to the Collector of the district that the president of a local board [²or chairman of a pancháyat] has made default in carrying out any resolution of such local board [²or pancháyat], the Collector, [²after obtaining and considering the explanation of the president or chairman], may by notice in writing require such president [²or chairman] to carry out such resolution within a reasonable time to be specified in such notice, and if such president [²or chairman] omits to comply with such notice the Collector may assume the execution of such resolution and pass all necessary orders accordingly.

Report to local board and Government.

(2) Any Collector taking action under this section shall in a memorandum record his reasons for such action, and shall forthwith forward such memorandum to the local board [³or pancháyat] for information, and shall also forthwith forward a copy thereof to the Governor in Council, who may pass such orders thereon as he may deem fit.

Control of Collector over local boards.

36. (1) When the Collector of the district is not the president of a local board, he may—

- (a) enter on and inspect, or cause to be entered on and inspected, any immoveable property or any work in progress under the control of such board ;
- (b) call for and inspect any document in the possession or under the control of such board ;
- (c) require such board to furnish such statements, accounts, reports and copies of documents relating to [⁴its] proceedings or duties as he may think fit ; and
- (d) record in writing, for the consideration of such board, any observations he may think proper in regard to [⁴its] proceedings or duties.

Delegation of powers by a Collector to the revenue-officer of the division.

[⁴(2) The Collector also may by a special order in writing in each case direct the revenue-officer in charge of the division to exercise any of the powers referred to in clauses (a), (b) and (c) of sub-section (1).]

¹ See last footnote on preceding page.

² These words were inserted by s. 30, cls. (a) and (b) of Mad. Act VI of 1900.

³ These words were inserted by s. 30 (c) of Mad. Act VI of 1900, with effect from 1st April, 1900.

⁴ The word "its" was substituted for the word "their", sub-s. (2) renumbered (3), and the present sub-s. (2) inserted by s. 31 of Mad. Act VI of 1900.

(Chap. II.—Local Boards and their Constitution. Secs. 37-38.)

(3) The Governor in Council may, by notification, from time to time, authorize any public officer to exercise any of the powers of a Collector under this section, and may, at any time in like manner, modify or withdraw such authority.

37. (1) The Governor in Council or the Collector of the district may, by order in writing, suspend the execution of any resolution [¹of any local board or of any order issued by any local board or president], or cancel such resolution or order, [²or suspend or cancel any license granted by any local board or president], and may prohibit the doing of any act which is about to be done, or is being done, in pursuance of, or under colour of, this Act, if, in his opinion, [²such resolution has not been legally carried, or] such resolution, order or act [²or the issue of such license] is in excess of the powers conferred by law, or the execution of such resolution or order or the doing of such act [²or the continuance in force of such license] likely to cause obstruction, injury or annoyance to any persons lawfully employed or danger to human life, health or safety, or is likely to lead to a riot or an affray.

Power of Government and Collector to suspend action under this Act.

(2) When the Collector makes any order under this section, he shall forthwith forward a copy thereof, with a statement of his reasons for making it, to the local board concerned and to the Governor in Council.

Submission of order to Government.

(3) The Governor in Council may [²thereupon] rescind the order, or [²after giving the local board a reasonable opportunity of explanation] direct that it continue in force with or without modification, permanently or for such period, as he thinks fit.

38. (1) In cases of emergency the Collector of the district may provide for the execution of any work, or the doing of any act, which a local board [³or the president] is empowered to execute or do, and the immediate execution or doing of which is in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be paid by the local board.

Extraordinary powers of Collector in case of emergency.

(2) If the expense is not so paid, such Collector may make an order directing the person having the custody of the local fund to pay the same in priority to any * * * other charges against such fund [⁴except charges for the service of authorized loans]. Such person shall, so far as the funds to the credit of the local board admit, be bound to comply with such order.

Recovery of expenses.

¹ These words were substituted for the words "or order of a local Board" by s. 32 (a) of Mad. Act VI of 1900.

² These words were inserted by s. 32 (a) and (b) of Mad. Act VI of 1900.

³ These words were inserted by Mad. Act VI of 1900, s. 33 (a).

⁴ These words were inserted, the words "or all" repealed, and the present sub-s (3) substituted for the original, by s. 33 (b) and (c) of Mad. Act VI of 1900, with effect from 1st April, 1900.

(Chap. II.—Local Boards and their Constitution. Secs. 39-41.)

Report to be made to Governor in Council.

¹ (3) [Every case in which the powers conferred by this section are exercised shall be forthwith reported to the Governor in Council by the Collector with the reasons in full for the exercise of such powers, and a copy of the report shall, at the same time, be sent to the local board for information.]

Powers of Divisional Officer.

39. When the revenue-officer in charge of the division of the district in which there is a taluk board is not the president of such board, he may, subject to the control of the Collector of the district, exercise in respect of such board any of the powers conferred on the Collector of the district by sections 35 to 38; and shall furnish the report prescribed in sections 35, 37 and 38 to the Governor in Council through the Collector of the district.

Powers of Governor in Council in cases of default of local board.

40. (1) If at any time it appears to the Governor in Council that [^{2a} local board or a president] has made default in performing any duty imposed * * * by or under this or any other Act, the Governor in Council may, by order in writing, fix a period for the performance of such duty.

Appointment of some person to perform duty.

(2) If such duty is not performed within the period so fixed, the Governor in Council may appoint some person to perform it, and may direct that the expense of performing it shall be paid within such time as he may fix to such person by the local board.

Recovery of expense.

(3) If the expense is not so paid, the Collector of the district, with the previous sanction of the Governor in Council, may make an order directing the person * * * having the custody of the local fund to pay the same, in priority to any * * * other charges against such fund, [³except charges for the service of authorized loans]. Such person shall, so far as the funds to the credit of the local board admit, be bound to comply with such order.

5.—*Servants of District and Taluk Boards.*

The local board to fix the number and salaries of their servants.

41. Every local board shall at [⁴its] first meeting, and may from time to time thereafter * * * fix the number and salaries of all such permanent servants as [⁴it] may think necessary and proper to assist in carrying out the purposes of this Act, and shall submit a statement of [⁴its] proposals for the sanction of the Governor in Council in such form as he may, from time to

¹ See last footnote on preceding page.

² These words were substituted for the words "any local board" and the words "on it" repealed by s. 34 (a) of Mad. Act VI of 1900.

³ The words "in" and "or all" were repealed, and the words in brackets added, by s. 34 (b) of Mad. Act VI of 1900.

⁴ The words "at a meeting" were repealed, the word "its" substituted for the word "their" and the word "they" substituted for the word "it", by s. 35 of Mad. Act VI of 1900. Printed *infra* p. 1041.

(Chap. II.—Local Boards and their Constitution. Secs. 42-43.)

time, prescribe, and the Governor in Council shall pass such orders thereon as he may deem fit:

Provided that such servants holding office under the Madras Local Funds Act, 1871,¹ at the time this Act comes into force shall be deemed to have been appointed under this Act.

42. (1) The Governor in Council may, on the application of any local board, place at [its] disposal the services of any Government servant to be employed for the purposes of this Act. The local board shall pay to any Government servant so employed the salary he may be entitled to receive under the rules of the branch of the Government service to which he belongs, and shall also pay to the Governor in Council such contribution towards the pension of such servant as may be payable under the rules in that behalf in force for the time being.

Government servants employed by local board.

(2) If such servant, while employed under the local board, or if any other servant of the local board, does any work for Government [or for any public or private body], the Governor in Council [or the public or private body concerned, as the case may be,] shall contribute to the local board so much of the salary of such servant as the Governor in Council may consider to be an equivalent for such work.

Contribution towards pay of such servants.

(3) No Government servant employed by [a] local board shall be dismissed or removed from such employment without the consent of the Governor in Council or until three months' notice in writing to that effect shall have been given to the Governor in Council.

Dismissal of such servants.

(4) No Government servant employed under [a] local board shall, except in cases of emergency, be withdrawn from the service of the local board without [its] consent, unless and until the Governor in Council shall have given three months' notice in writing to that effect to the local board [or unless some other Government servant has been deputed to replace the one withdrawn].

Withdrawal of such servants.

²[(5) Government servants employed under local boards shall be entitled to leave and other privileges in accordance with the regulations applicable to the department of general administration to which they belong.]

Rules regarding the privileges of Government servants in the employ of local boards. Local boards' servants are public servants.

43. Every member or servant of a local board, or of a panchayat, every contractor or agent, to whom the collection of any tax, toll, fee or other sum due to a local board or panchayat is entrusted, and every person engaged in the

¹ Repealed by this Act.

² These amendments were made, and sub-s. (5) was added, by s. 36 of Mad. Act V of 1900, with effect from 1st April, 1900.

collection of such tax, toll, fee or sum, shall be deemed to be a public servant within the meaning of the Indian Penal Code.¹

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1860.

The president
to appoint
servants.

²44. (1) The president shall, subject to such rules as the Governor in Council may prescribe, appoint such permanent servants as shall have been provided for in the manner aforesaid, and shall pay such permanent servants from the local fund the salaries that may be so fixed.

Appointment
of temporary
servants in
cases of
emergency

(2) The president may also in cases of emergency appoint such temporary servants as in his opinion may be required for the purposes of this Act, and may direct that the salaries of such temporary servants fixed as the emergency may require shall be paid from the local fund :

Provided that every appointment made under this sub-section shall be reported at the next following meeting of the local board.

The presi-
dent to fine,
suspend or
dismiss
servants.

45. The president may, subject to the provision in section 42, sub-section (3), and to such control as the Governor in Council may, from time to time, prescribe, fine, suspend or dismiss any of such servants and appoint others in their stead.

Rules as to
securities,
pensions, etc.

46. (1) The district board * * * may, from time to time, make rules consistent with this Act and with any rules framed by the Governor in Council as to the following matters in respect of the servants of all local boards [³and pancháyats] in the district:—

- (i) the servants who shall furnish security for the due performance of their duties ;
- (ii) the amount of such security ;
- (iii) the grant of leave to servants and the allowances to be paid to persons acting for such servants ;
- (iv) the period of service of all servants ;
- (v) the conditions under which such servants, or any of them, shall, on retirement, receive pensions, gratuities or compassionate allowances [²including the conditions under which any servant of a local board who is appointed to any office under Government shall, on his retirement from the service of the Government, receive a proportionate pension in respect of his service as a servant of the local board] ;
- (vi) the amount of such pensions, gratuities or compassionate allowances (if any) ;

¹ Printed, General Acts, Vol. I, p. 240.

² This section was substituted for the original section by s. 37 of Mad. Act VI of 1900.

³ The words "at a meeting" in sub-s. (1) were repealed, the words "and pancháyats" in sub-ss. (1) and (2) inserted, the words in cl. (v) inserted and the proviso added, by s. 38 of Mad. Act VI of 1900.

(Chap. II.—Local Boards and their Constitution. Secs. 47-50.)

(vii) the establishment of a pension or provident fund by such servants ;
and

(viii) the rates at which and the conditions under which contribution shall be paid from the local fund towards such pension or provident fund, and the local board or boards by whom they are to be so paid ;

[Provided that no rules as to the matters mentioned in clauses (iii), (v), (vi), (vii) and (viii) shall be valid until they have been confirmed by the Governor in Council.]

(2) Such rules shall be binding on all the local boards [and pancháyats] in the district.

47. All persons in the employ of Government who, at the time this Act comes into force in any district, shall be performing any executive or ministerial duties in carrying out the purposes specified in this Act shall continue to discharge such duties under the orders of the Governor in Council, unless and until the Governor in Council shall otherwise direct.

Officers already employed by Government for similar purposes to be continued in office.

6.—Property of District and Taluk Boards.

48. [Power to vest property in local board, and to withdraw it.] Rep. by s. 59, Mad. Act VI of 1900.

49. All public roads * *² in any district * * * *², and the pavements, stones and other materials thereof, and also all erections, materials, implements and other things provided for such roads* *², shall vest in the district board :

Public streets, etc., vested in the district board.

²[But it shall be competent to the Governor in Council, by notification, to exclude any road from the operation of this Act and to modify or cancel such notification.]

50. (1) All sewers, drains, drainage-works, tunnels and culverts in, alongside or under the [³public roads] in any district, whether made at the cost of the district board or otherwise, and all works, materials and things appertaining thereto, shall vest in * * *³ the district board.

Sewers, drains, etc., vested in the local board.

(2) All rubbish, sewage, filth and other matters collected under this Act shall vest in * * *³ the [³local board or pancháyat at whose cost they are collected].

Rubbish, etc., to belong to local board.

¹ See last foot-note on preceding page.

² The words "or streets" and the words "existing at the time this Act comes into force or which shall afterwards be made," were repealed and the last clause substituted for the proviso, by s. 40 of Mad. Act VI of 1900.

³ The words "public roads" were substituted for the word "streets" in sub-s. (1), the words "and belong to" in sub s. (1) and (2) were repealed, the words "local board or Panchayat at whose cost they are collected", substituted for the words "district board" and the words "or culvert" substituted for the words "and culvert," by s. 41 of Mad. Act VI of 1900.

(Chap. II.—Local Boards and their Constitution. Secs. 51-54.)

(3) But it shall be competent to the Governor in Council to exclude, from time to time, by notification, any sewer, drain, drainage-work, tunnel [or culvert] from the operation of this Act, and to cancel such notification wholly or in part.

Saving of Revenue Board's Powers in regard to charitable endowments. Power to transfer them to local board.

51. (1) Nothing in this Act contained shall be deemed to affect the duties and powers vested in the Board of Revenue in respect of charitable endowments by [²Madras] Regulation VII of 1817.³

(2) But it shall be competent to the Board of Revenue, with the written consent of the Governor in Council and of the local board [²concerned], to make over to such local board the management and superintendence of any such endowment; and thereupon all powers and duties which attach to the Board of Revenue in respect thereof shall attach to such local board as if such board had been specifically named in the said Regulation.

Transfer of immoveable property by district board to taluk board. Such property to vest in the taluk board.

52. (1) The district board may, with the approval of the Governor in Council, or shall upon his direction from time to time, by notification, declare that any immoveable property vested in such district board shall vest in [any taluk board in the same district].

(2) Such property shall, from the date specified in the said notification, vest in such taluk board, and thereupon all powers and duties which attach to the district board in respect of such property shall attach to such taluk board.

Local board may take over and repair certain roads or streets.

53. Any local board may agree with the person or persons, in whom the property in any road * *⁵ in [its] local area is vested, to take over the property therein, and, after such agreement, may declare, by notice in writing put up in any part of such road * *⁵ that the same has become a public road * *. Thereupon such road * *⁵ shall vest in such local board.

7.—District and Taluk Funds.

What shall constitute the district fund.

54. (1) In each district there shall be constituted a fund, which shall be called the district fund, and there shall be placed to the credit thereof, unless otherwise appropriated under this Act,—

* * * * *

¹ See last footnote on preceding page.

² The word "Madras" was inserted and the word "concerned" substituted for the words "within whose jurisdiction such endowment is situated," by s. 42 of Mad. Act VI of 1900.

³ Printed, *supra*, p. 68.

⁴ These words were substituted for the words "the taluk board of the taluk wherein such property is situated," by s. 48 of the Madras Local Boards Act, 1900 (Mad. Act VI of 1900), with effect from 1st April, 1901.

⁵ The word "street" has been repealed and the word "its" substituted for the words "their" by Mad. Act VI of 1900, s. 44.

⁶ Cl. (i) was repealed, cls. (ii) to (vi) renumbered as (i) to (v), the word "its" substituted for the word "their" in new cl. (ii), and a proviso added to sub-s. (2) by s. 45 of the Madras Local Boards Act, 1900 (Mad. Act VI of 1900), with effect, from 1st April, 1901.

(Chap. II.—Local Boards and their Constitution. Secs. 55-56.)

- (i) the proceeds of the taxes, tolls and fees hereinafter authorized to be levied by the district board ;
- (ii) the sale-proceeds of all property vested in the district board which may be sold under [its] orders ;
- (iii) all fines and penalties levied under the provisions of this Act ;
- (iv) all contributions received from other local boards or municipal councils ; and
- (v) all other sums of money which may be received by the district board in trust for the purposes of this Act.

(2) The district fund shall be lodged in such bank or Government treasury as the president, under the orders of the Governor in Council, may direct. All expenses incurred by the district board shall be paid out of such funds ; and all orders or cheques upon the said fund shall be signed by the president, or, in his absence, by any person authorized by him in that behalf, and the treasury or bank in which such fund is lodged shall, so far as the funds to the credit of the district board admit, pay all such orders and cheques which are so signed :

District fund where to be lodged and how to be drawn against.

[¹ Provided that, if the district board shall have given previous authority in writing, such bank or treasury may at once pay out of such fund, without the issue of such orders or cheques, any expense which the Governor in Council has incurred on behalf of the district board.]

55. The district board shall, at such times as the Governor in Council may from time to time prescribe in that behalf, transfer to each taluk board within the district a sum not being less than one-half of the proceeds of the taxes levied by the district board in such taluk, and may, from time to time, with the approval of the Governor in Council, or shall upon his direction transfer to such taluk board any other sums forming part of the district fund.

Transfer of funds from district to taluk board.

56. (1) In every taluk there shall be constituted a fund, which shall be called the taluk fund, and there shall be placed to the credit thereof, unless otherwise appropriated under this Act,—

Taluk fund.

- (i) the sums transferred to the taluk board of such taluk under section 55 ;
- (ii) the sale-proceeds of all property vested in such taluk board, which may be sold under [its] orders ;
- (iii) all contributions received from other local boards or municipal councils ;

¹ See last footnote on preceding page.

The word "it" was substituted for the word "their" and a proviso added to sub-s. (2) by s. 46 of the Madras Local Boards Act, 1900 (Mad. Act VI of 1900), with effect from 1st April, 1901.

(Chap. III.—Taxes, Tolls and Fees. Sec. 57.)

(iv) the proceeds of all fees hereinafter authorized to be levied by the taluk board; and

(v) all other sums of money which may be received by such taluk board in trust for the purposes of this Act.

Taluk fund
where to be
lodged and
how to be
drawn
against.

(2) The taluk fund shall be lodged in such bank or Government treasury as the president, under the orders of the Governor in Council, may direct. All expenses incurred by any taluk board shall be paid out of such funds; and all orders or cheques upon the said fund shall be signed by the president, or, in his absence, by any person authorized by him in that behalf, and the treasury or bank in which such fund is lodged shall, so far as the funds to the credit of the taluk board admit, pay all such orders and cheques which are so signed:

¹[Provided that, if the taluk board shall have given previous authority in writing, such bank or treasury may at once pay out of such fund, without the issue of such orders or cheques, any expense which the Governor in Council has incurred on behalf of the taluk board.]

CHAPTER III.

TAXES, TOLLS AND FEES.

Taxes and
tolls.
Rates and
tolls under
Act IV of
1871.

57. The following are the taxes, tolls and fees which may be levied under this Act:—

- (i) a tax not exceeding two annas in the rupee on the annual rent-value of all occupied lands, on whatever tenure held, in the districts of Malabar, South Kanara and the Nilgiris, and not exceeding one anna in the rupee on the annual rent-value of such land elsewhere;
- ²[(ii) a tax not exceeding three pies in the rupee on the annual rent-value of all occupied lands to be utilized solely in the construction of tramways or rail-roads;]
- (iii) a tax on houses situated within any union at rates not exceeding those laid down in Schedule A;
- ³(iv) tolls upon carriages, carts or animals passing along roads within the district, ³[under any of the classes and at rates not exceeding those] laid down in Schedule B ³[or upon foot-passengers going over such bridges and at such rates as the Governor in Council

¹ The word "its" was substituted for the word "their" and a proviso added to sub-s. (2) by s. 46 of the Madras Local Boards Act, 1900 (Mad. Act VI of 1900), with effect from 1st April, 1901.

² This clause was inserted as cl. (ii) and the original cl. (ii) renumbered (iii) by s. 47 of the Madras Local Boards Act, 1900 (Mad. Act VI of 1900).

³ These clauses were renumbered, this matter inserted and the words and figures "clause (1) of section 95" substituted for the words "clause (1), section 95," by s. 47 of the Madras Local Boards Act, 1900 (Mad. Act VI of 1900).

(Chap. III.—Taxes, Tolls and Fees. Secs. 58-59.)

on the request of the district board may by notification approve] : Provided that the net proceeds of the said tolls shall be applied to the purposes specified in ¹[clause (i) of section 95],

¹(v) fees for licenses granted for the temporary erection of pandals and other structures in ²[roads] and other public places in an union at a rate [approved by the Governor in Council] not exceeding three pies a day for every square yard or part thereof covered by such structures ;

³ [(vi) fees for the putting up in such local areas in a union, and at such rates as may be approved by the Governor in Council, of any verandah, balcony, sunshade, weather-frame, or the like, to project over the road in front of any building or land ;] and

¹ (vii) fees for the ⁴[use of cart-stands, markets and slaughter-houses constructed or maintained from the local fund and fees for the temporary occupation of choultries, travellers, rest-houses], market-sites, village-sites, ⁴[roads] and other similar public places ⁴[or parts thereof] * * * * at such rates as may be fixed by the taluk board ⁴[with the approval of the Governor in Council].

58. The district board * * * ⁵ may, subject to the provisions contained in the last preceding section, from time to time determine, with the approval of the Governor in Council, that any one or more of the said taxes and tolls shall be levied at rates not exceeding those specified in the last preceding section :

District Board may, with the approval of the Governor in Council, determine to levy taxes.

⁶ [Provided that the tax mentioned in clause (ii) of the aforesaid section shall not be levied unless the levy thereof is determined by a resolution of the district board supported by not less than three-fourths of the members present at a meeting specially convened in that behalf, such resolution being confirmed after a period of six months by a like majority at a like meeting.]

59. If at any time it seems advisable to the Governor in Council that the funds required for the purposes of this Act shall be raised in any district, taluk or union from all or any one or more of the taxes and tolls mentioned in

Governor in Council may direct the levy of taxes, unless the

¹ See last footnote on preceding page.

² This word was substituted for the word " streets " and the words " approved by the Governor in Council " inserted by s. 47 (c) of the Madras Local Boards Act, 1900 (Mad. Act VI of 1900).

³ This clause was inserted by s. 47 (d) of the Madras Local Boards Act, 1900 (Mad. Act VI of 1900).

⁴ These words were inserted and the words " on the occasion of fairs and festivals " repealed, by s. 47 (e) of Mad. Act VI of 1900.

⁵ The words " at a meeting " were omitted, and the proviso added to s. 58, by s. 48 of Mad. Act VI of 1900. Printed, *infra* p. 1047.

(Chap. III.—Taxes, Tolls and Fees. Secs. 60-62.)

district board show cause to the contrary and may cancel or modify such direction.

¹ [clause (i) and clauses (iii) to (vii) of] section 57, the Governor in Council may direct the district board to levy such taxes or tolls at any rate or rates not exceeding those authorized by this Act as he may deem necessary, unless the district board shall show cause to the contrary within three months after the receipt of the order containing such direction. If the district board ¹[fails] to show cause within the said time to the satisfaction of the Governor in Council, the taxes or tolls so directed to be levied shall be levied in such district, taluk or union as if the levy of the same had been determined by the district board with the approval of the Governor in Council :

Provided that it shall be competent to the Governor in Council, from time to time, to modify or cancel such direction.

District board to issue notification intimating that tax, etc., will be levied. Tax, etc., to be levied until cancellation of notification.

60. When the district board shall have determined, with the approval of the Governor in Council, to levy any tax or toll, such board shall at once issue a notification and make proclamation by beat of drum in the villages in which the tax or toll is to be levied, specifying the rate at which such tax or toll is to be levied, and intimating that such tax or toll will be levied from a date to be specified in such notification, and such tax or toll shall be levied in the manner hereinafter provided, until such time as the said notification shall be modified or cancelled.

* * * * *

Levy of fees.

61. The taluk board * * * ² may, subject to the provisions contained in section 57, from time to time determine ³ [with the approval of the Governor in Council] to levy the fees specified in clauses ³[(v), (vi) and (vii)] of that section, at such rates as ³ [it] may deem fit.

Notification thereof.

62. (1) When the taluk board shall have determined ⁴[with the approval of the Governor in Council] to levy any fees, ⁴[it] shall at once proclaim, by an order in writing and by beat of drum, in the villages in which such fees are to be levied, that such fees will be levied from the date specified in such order and at the rate fixed therein, until such time as the said order shall be modified or cancelled.

(2) Such fees shall be levied in the manner hereinafter provided.

(3) Copies of such order shall also be exhibited at the office of the taluk board and at some conspicuous place or places in the villages in which such fees are to be levied.

¹ The words " clause (i) and clauses (iii) to (vii) " were inserted, and the word " fails " substituted for the word " fail," by s. 49 of Mad. Act VI of 1900.

² The proviso to s. 60 was repealed by s. 50 of the Madras Local Board's Act Amendment Act, 1900 (Mad. Act VI of 1900), with effect from 1st April, 1901.

³ The words " at a meeting " were omitted, the word " it " substituted for the word " they," the words " with the approval of the Governor in Council " inserted after the word " determined," and the figures " (v) (vi) and (vii) " substituted for the figures " iv and (v) " by s. 51 of Mad. Act VI of 1900.

⁴ These words were inserted, and the word " it " substituted for the word " they," by s. 52 of Mad. Act VI of 1900.

(Chap. III.—Taxes, Tolls and Fees. Secs. 63-64.)

63. The Governor in Council may, at any time, by notification,¹ exempt Exemption
from tax, etc.
² [in whole or in part], either on the ground of poverty or for any other
sufficient cause, any local area, person or class of persons, ³[carriages, carts or
animals], from any one or more or all of the taxes, ⁴[tolls] or fees leviable
under this Act, and may in like manner modify or cancel such exemption.

1.—Tax on the Annual Rent-value of Land.

64. If the district board ⁵[notifies] under section 60 that a tax on the Annual rent-
value of lands
how to be
fixed.
annual rent-value of land shall be levied, such annual rent-value shall be cal-
culated in the following manner:—

- (i) In the case of lands held direct from the Government under a Lands held
under
raiyatwári
settlement.
raiyatwári settlement, and also in the case of land situated in
the district of Malabar on whatever tenure held, the assessment
payable to Government for the land, together with any water-
rate which may be payable for its irrigation, shall be taken to
be the annual rent-value of such lands;
- (ii) in the case of inám lands, or lands held wholly or partially free Inám lands.
from assessment, the full assessment which such lands would
bear if they were not inám, together with any water-rate which
may be payable for their irrigation, shall be taken to be the
annual rent-value; and such full assessment and water-rate shall
be determined by the Collector of the district under the general
orders of the Board of Revenue;
- (iii) in the case of lands held on any other tenure, the annual rent pay- Lands held
on any other
tenure.
able to the landholder ⁶ [or intermediate landholder holding on
an under-tenure created, continued or recognised by a landholder,
as the case may be], by his tenants, [⁷together with any water-
rate which may be payable for their irrigation], shall be taken
to be the annual rent-value of the lands held by such tenants;
⁸[and where such lands are occupied by the owner himself or by
any person holding the same from him free of rent or at a
favourable rent, the annual rent-value shall be taken to be the

¹ For notifications under this section, see Madras List of Local Rules and Orders, Ed. 1898, pp. 646 to 653.

² These words were inserted by s. 53 of Mad. Act VI of 1900.

³ This word was substituted for the word "notify" by s. 54 of Mad. Act VI of 1900.

⁴ These words were inserted by s. 54 of the Madras Local Boards Act Amendment Act, 1900 (Mad. Act VI of 1900).

⁵ These words were inserted by Mad. Act III of 1890, s. 1.

⁶ These words were substituted for the last fifty-two words of the original clause by s. 1 (2) of Mad. Act III of 1890. Printed, *infra* p. 912.

(Chap. III.—Taxes, Tolls and Fees. Secs. 65-67.)

rent ordinarily payable to the landholder for lands of similar quality leased out by him in the neighbourhood, together with any water-rate which may be payable for the irrigation of the lands so occupied by the owner himself, or by any person holding the same from him as aforesaid ;]

When
revenue or
rent is paid
in kind.

- (iv) when revenue or rent is paid in kind, the annual rent-value shall be calculated according to the rates of rent established or paid for neighbouring lands of a similar description and quality ¹ [to which shall be added the water-rate payable for the irrigation of the lands of which the revenue or rent is paid in kind] :

Proviso as to
existing
valuations.

² [Provided that where any land holder has been permitted by the Collector under the provisions of clause IV, section 11, Madras Act VIII of 1865, to increase his rent in consequence of any additional payment by way of water-rate made by him to Government, the annual rent-value shall be the balance remaining after deducting such increase of rent up to the amount of the water-rate from the sum ascertained as aforesaid.]

Holders of
land on other
than raiyât-
wâri tenure
to furnish
lists of their
lands to
Collector.

65. The Collector may require every ³ [landholder] within the district, not being an owner of land in the district of Malabar, or a holder of land under raiyât-wâri tenure, to furnish him with an accurate list of the lands held by him, whether occupied by tenants or by himself, specifying, in each case, the annual rent-value of the lands so occupied [⁴ exclusive of the water-rate, if any, payable by his tenant direct to Government].

Collector to
assess tax
according to
list.

66. If the Collector is satisfied with the list furnished by a landholder in compliance with a requisition made under the last preceding section, he shall assess such landholder, according to such list, for the tax due in respect of lands held by him as aforesaid.

Penalty for
failing to
furnish such
lists.

67. If any landholder shall neglect to comply with a requisition made under section 65 within six months after requisition made in the District Gazette or otherwise, such landholder shall be liable to a fine not exceeding rupees fifty for each day's delay, until the list be furnished or until the annual rent-value of such landholder's lands shall have been fixed by the Collector as provided in the next following section. The amount of such fine shall be fixed by the Collector of the district and shall be recoverable as an arrear of tax.

¹ These words were added by s. 1 (3) of Mad. Act III of 1890.

² This proviso was substituted for the original proviso by s. 1 (4) of Mad. Act III of 1890.

³ This word was substituted for the words " holder of land " by s. 55, of Mad. Act VI of 1900.

⁴ These words were added by s. 2 of Mad. Act III of 1890.

68. If no such list be furnished by any landholder within one month from the expiration of the six months aforesaid, the Collector of the district shall himself fix the annual rent-value of the lands held by such landholder as aforesaid.

If list be not furnished, Collector may fix the annual rent-value.

69. The Collector of the district may take steps in the manner provided by Madras Act III of 1869¹ for ascertaining the correctness of any list furnished in compliance with a requisition made under section 65, or, where such lists shall not have been furnished, for fixing the annual rent-value as provided in the last preceding section, anything in [²Madras] Regulation XXIX of 1892¹ to the contrary notwithstanding, and he may depute any of his officers to make such inquiries as may be necessary.

Power of Collector to summon parties, etc.

70. If, after due inquiry, the Collector is dissatisfied with any list furnished to him as aforesaid, he shall amend the same, and shall supply such landholder with a copy of such amended list, which shall be taken to contain the annual rent-value of the lands held by him as aforesaid.

Collector to amend list if dissatisfied with it.

71. (1) An appeal shall lie to the Board of Revenue from the decision of the Collector under the last preceding section :

Appeal to Board of Revenue.

(2) Provided that such appeal be preferred within six months from the date of the Collector's decision.

(3) The order made on such appeal shall be final.

72. In the case of land held on raiyátwári tenure, the amount of the local tax [³payable by the landholder shall be entered in his patta].

Tax to be entered in pattas of raiyátwári lands.

73. Every landholder shall pay to the Collector, or other officer empowered by him to receive it, the local tax due in respect of lands held by him as aforesaid [⁴exclusive of the amount of such tax, if any, payable by the tenant as hereinafter provided], on or before such dates and in such instalments as the Collector, under the general orders of the Board of Revenue, may by notification declare. [⁴And if such lands be occupied by a tenant paying water-rate direct to Government, such tenant shall pay to the Collector, together with the water-rate, the local tax due on the amount of such water-rate :]

Payment of local tax by landholder.

¹ Printed *supra*, pp. 342 and 11, respectively.

² This word was inserted by s. 56 of the Madras Local Boards Act Amendment Act, 1900 (Mad. Act VI of 1900).

³ These words were substituted for the words "shall be entered in the patta of the landholder" by s. 3 of Mad. Act III of 1890.

⁴ These words were inserted in s. 73 and in the second proviso, by s. 4, cls. (1), (2) and (3), respectively, of Mad. Act III of 1890.

(Chap. III.—Taxes, Tolls and Fees. Secs. 74-75.)

[¹Provided that in all cases where a person holds lands with or without a right of occupancy as an intermediate landholder on an undertenure created, continued or recognized by a landholder, it shall be lawful for the landholder to recover from the intermediate landholder the whole of the tax paid by the landholder in respect of lands held by the intermediate landholder less one-half the tax assessable on the amount of any kattubadi, jodi, poruppu or quit-rent payable by the intermediate landholder to the landholder:]

Proviso as to liability of tenants.

Provided [¹also] that, in the case of lands occupied by tenants, it shall be lawful for the landholder [¹or the intermediate landholder, as the case may be,] to collect and recover from his tenant one-half of the amount payable [²by the landholder] in respect of the land so occupied.

[¹ Illustration.

An intermediate landholder is entitled to receive from his tenants, if any, Rs. 500 as the annual rent on 100 acres of land. The intermediate landholder has to pay to the landholder Rs. 50 as kattubadi, jodi, poruppu or quit-rent. If the local tax be at rate of one anna per rupee, the landholder has to pay to the Collector Rs. 31-4-0 on Rs. 500, and the landholder can recover from the intermediate landholder the sum of Rs. 9-11-0, being the difference between Rs. 31-4-0 and half the local tax, viz., Rs. 1-9-0, assessable on the said Rs. 50. The intermediate landholder can recover from his tenants, if any, Rs. 15-10-0, being half the local tax on Rs. 500.]

Powers of landholders.

74. Every landholder [³or intermediate landholder, as the case may be,] shall, in collecting or recovering the portion which may be due to him under the [³provisos] to the last preceding section, be entitled to exercise the same powers as may, under any Act or Regulation which now here is, or hereafter may be, in force, be exercised by any landholder in the collection and recovery of rent, and shall be liable to all the penalties prescribed therein for the abuse of such powers.

Remission of one-half of the local tax in case of lands held on other than raiyâtwarî tenure.

75. Every landholder coming within the meaning of clause (iii) of section 64 shall be entitled to a remission of one-half of the tax payable by him on so much of the whole annual rent-value of his land as is equal to the amount of the [⁴permanently settled] revenue payable by him to Government in respect of such land:

¹ These words were inserted and the proviso and illustration added by s. 57 of the Madras Local Boards Act Amendment Act, 1900 (Mad. Act VI of 1900).

² See last footnote on preceding page.

³ These words were inserted and the word "provisos" substituted for the word "proviso" by s. 58 of Mad. Act VI of 1900.

⁴ These words were inserted in s. 75 by s. 5 of Mad. Act III of 1890.

Provided that the amount recoverable by such landholder from his tenants under the [¹second] proviso to section 73 shall be calculated upon the whole amount which would have been payable [²by him] to Government if no such remission had been allowed. Proviso.

76. When any landholder shall, on the date fixed by the Collector under section 73, have failed to pay, either in whole or in part, the tax due by him in respect of lands held by him as aforesaid, [³or a tenant shall have failed to pay, either in whole or in part, the tax due by him, on the water-rate payable direct by him to Government in respect of lands occupied by him], the said tax or such part of it as remains unpaid shall be recoverable in the same manner as if it were an arrear of revenue under [⁴Madras] Act II of 1861.⁵ Arrears of tax how to be recovered.

2.—Tax on Houses.

77. (1) If the district board [⁶notifies] under section 60 that a tax on houses shall be levied, such tax shall at the rate, and from the date, specified in such notification be levied on all houses situated within any union. Tax on houses.

(2) The karnam of every village situated within the union shall, on the requisition of the chairman of the pancháyat of such union, prepare and furnish to the chairman lists of all houses within the village or villages of which he is karnam, and shall enter in the same the names of the owners [⁷and] occupiers of such houses : Karnams of each village to furnish list of houses and their owners.

(3) Provided that the karnam shall be entitled, for the preparation of such lists, to receive such remuneration (if any) as the pancháyat at a meeting may fix subject to the approval of the taluk board having authority over such union. Karnam entitled to remuneration.

78. (1) The chairman of the pancháyat shall, on the receipt of the lists mentioned in the last preceding section, cause tax-books to be prepared. Such tax-books shall show in distinct columns the [⁸names of the owner and of the occupier] of each house, the class under which such house shall be taxed, the amount of the tax due and the date on which the tax is payable. Tax to be entered on such lists.

7[(2) Lighthouses, and buildings exclusively used for charitable purposes or set apart for public worship and either actually so used or used for no Exceptions to liability to taxation.

¹ The word "second" was inserted by Mad. Act VII of 1900, s. 59.

² These words were inserted in s. 75 by s. 5 of Mad. Act III of 1890.

³ These words were inserted by s. 6 of Mad. Act III of 1890.

⁴ The word "Madras" was inserted by Mad. Act VI of 1900, s. 60.

⁵ Printed, *supra*, p. 278.

⁶ The word "notifies" was substituted for the word "notify" by s. 61 (a) of Mad. Act VI of 1900.

⁷ The word "and" was substituted for the word "or" by s. 61(b) of Mad. Act VI of 1900.

⁸ These words were substituted for the words "name of the owner and occupier," and the present clause (2) substituted for the original, by s. 62 of Mad. Act VI of 1900.

(Chap. III.—Taxes, Tolls and Fees. Secs. 79-80.)

other purpose, and buildings exclusively used as public choultries, hospitals or dispensaries, and buildings which are the property of local boards or pancháyáts, shall not be liable to such tax.]

Inspection of tax-books.

(3) Every person claiming to be the owner or occupier of any house taxable under this Act, or the agent of such person, shall be at liberty to inspect the tax-books at all reasonable hours and to make extracts therefrom without the payment of any fee.

Completion of tax-book to be notified.

79. (1) As soon as the tax-books are prepared, the chairman of the pancháyát shall give public notice thereof by beat of drum in the union and of the place or places where the books may be inspected.

Amendment of tax-book.

(2) The chairman of the pancháyát may, from time to time, add to or amend the tax-books, by inserting therein the name of any person liable to be taxed, or by inserting any property liable to the tax, or by altering the classification of such property; and, in the case of every such amendment, notice thereof shall be given to the person interested in such amendment.

President of taluk board may exercise powers of chairman under the preceding sub-section.

¹ (3) The president of the taluk board may, at any time on his own motion or on the motion of any person interested, exercise any or all of the powers of the chairman of the pancháyát under the last preceding sub-section, subject to notice being given as therein provided; and no order so passed by the president of the taluk board shall be varied or cancelled save by appeal under section 85.

Tax payable in two equal instalments.

¹ 79A. (1) The tax imposed under section 77 shall be payable by the owner or the occupier of the house in two equal instalments.

Instalments when due.

(2) Subject to the provisions of sub-section (1) of section 80A, the instalment for each half-year shall be payable within thirty days after the commencement of such half-year.

Remission of tax on account of vacant houses.

80. (1) When any house shall have been vacant for sixty or more consecutive days during any [half-year], the chairman shall remit so much, not exceeding one-half, of the amount of the tax for the year as is proportionate to the number of days the said house may have remained vacant.

Proviso as to notice of vacancy.

² (2) [Every demand for a remission under this section shall be made during the half-year in respect of which the remission is sought or in the following half-year, and not afterwards.] No person shall be entitled to such remission unless the owner of the house or his agent shall, at or about the time that the

¹ Sub-s. (3) and s. 79A were added by ss. 63 and 64, respectively, of Mad. Act VI of 1900.

² The words "half-year" were substituted for the word "year," the first sentence added to sub-s. (2) of s. 80, and a new s. 80A added, by s. 65 of Mad. Act VI of 1900.

house becomes vacant, have given notice of such vacancy to the chairman, and the amount of tax to be remitted shall be calculated from the date of the delivery of such notice.

¹ 80A. (1) When any house in a union is constructed, reconstructed or enlarged, the owner shall give notice thereof to the chairman within fifteen days from the date of completion of such house, rebuilding or enlargement or from the date of occupation of the said house, whichever date happens first. The chairman shall on receipt of such notice assess the tax leviable in respect of the house, and the instalment for the half-year in which the assessment is made shall be payable within thirty days after the date of the service of notice issued under sub-section (1) of section 81, provided that, if such date of completion or occupation falls within the last two months of a half-year, no tax or enhanced tax, as the case may be, shall be levied in respect of the house for that half-year.

Notice to be given of houses newly constructed or reconstructed.

(2) When any house is completely demolished or destroyed, the owner thereof may give notice to the chairman of such demolition or destruction; and, until such notice is given, such owner shall be liable at the discretion of the chairman to payment of the tax which would have been leviable had such house not been demolished or destroyed. If the said notice is given within the first two months of a half-year, no tax shall thereafter be levied in respect of the house, and any tax which may have been levied for that half-year shall be refunded.

Remission or refund when house is destroyed.

81. (1) Where any house-tax shall remain unpaid ten days after the same is due, the chairman of the pancháyát, or some person duly authorized in writing by him in that behalf, may serve upon the owner [²or owner's agent] or occupier of the house, or upon [²all of them,] a notice in writing in the form given in Schedule C, or to the like effect.

Notice of demand for house-tax.

(2) If such owner [²or owner's agent] or occupier shall not, within fifteen days from the service of such notice of demand [²upon him,] pay the sum due, or show cause [²to the satisfaction of the chairman] why the same should not be paid, the chairman or other person duly authorized in that behalf by him may levy such sum, with all costs, [²in any of the following ways:—

Distress.

- (i) by distraint and sale of the moveable property of the defaulter or, if the defaulter be the occupier of any building in respect of which

¹ See last footnote on preceding page.

² These words were inserted, the words "all of them" were substituted for the word "both", certain matter and clauses added at the end of sub-s. (2) of s. 81, and a new sub-s. (3) added, by s. 67 of the Madras Local Boards Act Amendment Act, 1900 (Mad. Act VI of 1900).

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such tax is due, by distraint and sale of any property found in or on such building, provided that no property of the occupier shall be distrained unless he has been served with a notice as aforesaid ;

- (ii) if for any reason the distraint or a sufficient distraint of the defaulter's property is impracticable, by prosecuting him before a Magistrate.

Penalty for wilfully omitting to pay tax or preventing distraint.

¹(3) Any person bound to pay any tax who shall be prosecuted under this section before a Magistrate shall be liable, on proof to the satisfaction of the Magistrate that he wilfully omitted to pay the amount due by him or that he wilfully prevented distraint or a sufficient distraint, to pay a fine not exceeding twice the amount of the tax found to be due, and shall also pay such tax and the costs of the prosecution.]

warrant for distraint.

²81A. In order to the distraint and sale of property under sub-section (2) of section 81, the chairman of the pancháyát shall issue a warrant in the form prescribed in Schedule D, or in some similar form ; and for each such warrant a warrant fee of two annas shall be leviable.

Inventory.

82. The chairman of the pancháyát or other person duly authorized as aforesaid shall make an inventory of the property [³distrained], and, if the amount due is not paid within fifteen days after [³distrain], the property may be sold.

Sale.

Tax paid by occupier of house to be deducted from rent thereof.

83. Whenever any house-tax shall have been paid by the occupier, or recovered from him by seizure and sale of his property, it shall be lawful for him to deduct the amount so paid or recovered from the next and following payments of rent.

Tax-books, etc., need not be prepared annually.

84. (1) The chairman of the pancháyát shall not be bound to cause new lists or tax-books to be prepared every year, but may adopt those of the preceding year with such alterations and amendments as he may deem necessary : [⁴provided that a fresh general assessment shall be made not less than once in four years].

(2) Public notice of such alterations and amendments thereof shall be given in the manner provided in section 79 and the other provisions of that section, and section 78 shall be applicable to such books and to the taxes mentioned therein.

¹ See last footnote on preceding page.

² S. 81A. was added by Mad. Act. VI of 1900, s. 68. Printed *infra* p. 1045.

³ These words were substituted for the words "seized" and "seizure," respectively, by s. 69 of Mad. Act VI of 1900.

⁴ These words were inserted at the end of s. 84 (1) by s. 70 of Mad. Act VI of 1900.

85. (1) In the case of any assessment made or tax demanded by the chairman of the pancháyát [¹or president of the taluk board] an appeal from his decision shall lie to the taluk board, [¹which] shall hear and dispose of the same as [¹it deems] fit at [¹its] next meeting. Appeals.

(2) No such appeal shall be entertained—

(i) unless it be made within thirty days after the tax complained of has been demanded, and

(ii) unless the tax, if any, demanded by the chairman of the pancháyát [¹or president of the taluk board] shall, except when the taluk board otherwise [¹directs], have been paid or deposited at the union office on or before the day on which the appeal is made.

(3) In the event of the amount of any tax being decreased or remitted by the taluk board, the chairman of the pancháyát shall grant a refund accordingly.

(4) The assessment or demand of any tax, when no appeal is preferred, and the adjudication of an appeal by the taluk board, shall be final.

86. The taluk board having authority over the union in which any house is situated may [²on the ground of poverty, exempt from payment of the whole or any portion of the tax,] the owner or occupier of such house; [²it may in like manner, with the approval of the Governor in Council, exempt any classes of houses]. Exemption on the ground of poverty.

3.—Tolls on Vehicles and Animals passing along Roads in the District.

87. (1) If the district board [³notifies] under section 60 that tolls on carriages, carts and animals passing along any road [³or with the sanction of Government and for reasons connected with its construction and maintenance which shall be recorded, upon foot-passengers going over a bridge] within the district shall be levied at the rates specified in the notification, such tolls shall be levied as provided in sections 88 to 92. Levy of tolls.

(2) The district board may compound with any person for a sum to be paid annually or half-yearly in lieu of all such tolls either generally in respect of all roads in the district or specially in respect of any particular road, and may issue licenses to any such person in respect of his carriages, carts and animals: Composition for tolls and issue of licenses.

Provided always that such composition shall include all the carriages, carts and animals possessed by the person compounding.

¹ The words "or president of the taluk board" were inserted in sub-s. (1) and (2), and the words "which," "it deems," "its," and "directs" substituted for the words "who," "they deem," "their" and "direct," by s. 71 of Mad. Act VI of 1900.

² These words were substituted for the words "exempt from payment of the tax on the ground of poverty," and the clause added at the end of the section, by s. 72 of the Madras Local Boards Act Amendment Act, 1900, (Mad. Act VI of 1900).

³ The word "notifies" was substituted for the word "notify," a clause inserted in s. 87 (1), a new clause substituted for sub-s. (3) of the section and sub-s. (4) added, by s. 73 of Mad. Act VI of 1900.

No tolls to
be levied in
certain cases.

¹(3) No tolls shall be levied for the passage of carriages, carts or animals—

(a) belonging to local boards;

(b) conveying * * * * *
police-officers in uniform, local fund servants on duty, or
persons or property in the custody of such officers or servants,
or

(c) licensed by the district board during the period for which they
have been so licensed;

nor shall tolls be levied for the passage over bridges of foot-passengers, if they
are * ** police-officers in uniform or local fund servants on duty.

Declaration
that payment
of tolls at
one gate or
bridge shall
clear car-
riages, etc.,
at any other
gate or
bridge.

¹(4) With the sanction of the Governor in Council, it may be declared
that payment of tolls on carriages, carts, animals or foot-passengers at any
gate or bridge shall clear such carriages, carts, animals, or foot-passengers at
any other gate or bridge specified.

Place at
which tolls
leviable to be
notified.

88. The district board shall, with the approval of the Governor in Coun-
cil, declare by notification, from time to time, to be published in the Fort St.
George Gazette, the places on any such road at which such tolls shall be
collected, and may, from time to time, with the approval of the Governor in
Council, in like manner cancel or modify such declaration.

Toll-gates to
be erected.

89. (1) The district board shall thereupon construct toll-bars, gates and
gate-keeper's stations at the places aforesaid, and may place the collection of
such tolls under the management of such persons as may appear to [³it]
proper, or may lease out the same, and may frame bye-laws for the guidance
of toll-collectors.

Bye-laws.

Table of tolls
to be put up.

(2) At every toll-bar, gate or station a table of the tolls authorized to be
taken shall be put up legibly written or painted in English words and figures
and in a Vernacular language of the district, and when such table is not put
up at any toll-bar, gate or station, no tolls shall be leviable thereat during
such time.

¹ See last footnote on preceding page.

² The words "troops, military stores and baggage, military and", and the words "military
or", were repealed by the Repealing and Amending Act, 1901 (XI of 1901). Certain words
were originally repealed in this sub-section, by Act II of 1901, but the repeal not being
comprehensive enough, the mistake was provided for and covered by Act XI of 1901.

³ The word "it" was substituted for the word "them" in s. 89 (2), by s. 74, of Mad.
Act VI of 1900.

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90. (1) No more than one payment of toll shall be demanded at any one toll-bar, gate or station in respect of any carriage, cart, [animal or foot-passenger] in any one period of twenty-four hours counted from sunrise to sunrise: One payment to clear gate for one day.

Provided that when toll has been paid at any toll-bar, gate or station in respect of any carriage, cart or animal not laden or ridden, the difference between such toll and the toll payable in respect of such carriage, cart or animal laden or ridden, shall be payable if such carriage, cart or animal again passes through such toll-bar, gate or station, laden or ridden, within such period. Proviso.

(2) When payment of any toll is made a receipt shall be granted by the person to whom the payment is made in such form as the district board may, from time to time, prescribe. Receipts.

(3) In case of non-payment of any such toll on demand, the person duly authorized to collect the same may seize any carriage, cart or animal in respect of which it is chargeable, or any part of its burden, and detain the same in his custody [or in the case of a foot-passenger may prevent his passage]. In case of non-payment of tolls, vehicle, etc., may be seized,

(4) If any toll, together with the expenses occasioned by such seizure and detention, remains unpaid for twelve hours, the person duly authorized as aforesaid shall forthwith send the carriage, cart or other property seized as aforesaid to the nearest public officer empowered to sell distrained property under Act VII of 1839.³ and sent for sale.

²(5) Such officer shall forthwith give notice to the owner of the property seized or, if the owner is not known or is not resident in the neighbourhood, to the person who was in charge of the said property at the time when it was seized, and, if he is not found, publish by beat of drum, that after the expiration of two days, exclusive of Sunday, from the date of service or after the said publication of such notice, he will sell the said property by auction at a place to be specified in the notice: Provided that if, at any time before the sale has begun, the person to whom notice has been given or the owner of the property seized tenders to the said officer the amount due on account of the toll and of all the expenses occasioned by the non-payment thereof and by the seizure and detention of the property, the property seized shall be forthwith released. Notice of intended sale.

¹ These words was substituted for the words "or animals" by Mad. Act VI of 1900, s. 90 (a).

² These words were inserted in sub-s. (3), and a new cl. (5) substituted, by s. 75 of the Madras Local Boards Act Amendment Act, 1900 (Mad. Act VI of 1900).

³ Printed, *supra*, p. 102.

(Chap. III.—*Taxes, Tolls and Fees.* Secs. 91-93A.)

Sale. (6) If after the expiration of the period specified in such notice the amount of such toll and of the said expenses remain unpaid, the said officer shall sell the property seized and pay the sale-proceeds to the district fund.

Police to assist toll-collectors. 91. In all cases of resistance to the lawful authority of the toll-collectors appointed under this Act, all police-officers shall assist the toll-collectors when required, and for that purpose shall have the same power which they have in the exercise of their ordinary police-duties.

Penalty for evading tolls. 92. If any person shall, with any carriage, cart or animal, go off or pass from any road on which a toll-bar, gate or gate-keeper's station has been constructed under the provisions of section 89 through or over any land [¹within a quarter of a mile of it], such land not being owned or occupied by such person and not being a public road, with intent to evade the payment of any toll leviable under the provisions hereinbefore contained, such person shall be liable to a fine not exceeding rupees fifty and shall also pay the amount of the toll and costs of prosecution.

4.—*Fees.*

To whom payable. 93. (1) If the taluk board [²proclaims] in the manner provided by section 62 that any fee shall be levied, such fee shall, at the rate mentioned in the proclamation, be paid on demand, by the person to whom licenses may have been granted under clause (²v), section 57, or by whom the cart-stands [²slaughter-houses], markets, market-sites, village-sites or other public places may have been used under clauses (²vi) and (vii), section 57, to the president of the taluk board, or to any person duly authorized in that behalf by such president.

How recoverable in default. (2) If such fee is not so paid, the moveable property of the person by whom it is payable shall at once be seized and sold by the president of the taluk board or by any person duly authorized by him in that behalf.

(3) In the case of any fees levied under [²clauses (v), (vi) and (vii)] of section 57 in any union, such fees shall be paid on demand to the chairman of the pancháyát of such union, who shall have and exercise all the powers conferred by this section on the president of the taluk board.

Collection of Taxes.

Receipts to be given for all payments of taxes. ²93A. The president of the taluk board or the chairman of the pancháyát shall give to every person making payment of a tax or fee, a receipt

¹ These words were substituted for the words "adjoining thereto" by s. 76 of Mad. Act VI of 1900.

² The word "proclaims" was substituted for the word "proclaim", the word "slaughter-houses" inserted after the word "cart-stands", the figures "(v), (vi) and (vii)" for the figures "(iv) and (v)" in sub-s. (3), the word and figures "clauses (v), (vi) and (vii)" for the word and figure "clause (iv)" and s. 93A added, by ss. 77 and 78, respectively, of the Madras Local Boards Act, 1900 (Mad. Act VI of 1900).

therefor signed by him or by some person duly authorized by him in that behalf. Such receipt shall specify—

- (i) the date of the grant thereof;
- (ii) the name of the person to whom it is granted;
- (iii) the tax or fee in respect of which the payment has been made;
- (iv) the period for which the payment has been made; and
- (v) the amount in respect of which it is granted.

94. Whenever under the provisions of sections 81, 90 and 93 any property is distrained, seized or sold in consequence of the non-payment of any tax, toll or fee due, such distraint, seizure and sale shall be effected subject ^{Conditions of distraint and sale.} ¹[to the provisions of section 271 of the Code of Civil Procedure² and] to the conditions, exceptions and exemptions hereinafter provided.

(i) The following property shall not be liable to distraint :—

Exceptions.

XIV of 1882.

- (a) the necessary wearing-apparel [and bedding] of the defaulter, his wife and children,
- (b) the tools of artisans, and,
- (c) where the defaulter is an agriculturist, his implements of husbandry and such cattle [and seed-grain] as may, in the opinion of the president of the [local] board or the chairman of the pancháyát under whose authority such seizure is made, be necessary to enable the defaulter to earn his livelihood.

(ii) The distress shall not be excessive, that is to say, the property **Limit.** distrained shall be, as nearly as possible, proportionate to the amount due [on account of the tax, toll or fee and distraint-fee and the probable expenses incidental to the detention and sale of the said property].

(iii) When the property seized is subject to speedy and natural decay, **Perishable property.** and when the expense of keeping it in custody and the amount of the tax due will exceed its value, the person seizing the property shall at once, after seizure of such property, give notice to the person in whose possession it was when seized to the effect that it will be sold at once, and shall sell it accordingly unless the amount due be forthwith paid.

(iv) Any surplus that may remain after deducting the amount of **Surplus sale-proceeds.** the toll, tax or fee and of the said expenses, including the expenses of the sale, shall be returned, on demand, if made within

¹ These words were inserted, and the word "local" substituted for the word "taluk," by s. 79 of Mad. Act VI of 1900.

² See the revised edn., as modified up to 1st December, 1899, published by the Legislative Dept.

(Chap. III.—*Taxes, Tolls and Fees.* Sec. 94A.)

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Sec. 95.)

six months, to the owner of the property, or, if no demand be made within such period, shall be credited to the [¹local] fund.

Recovery of
amount due
by suit not
precluded.

¹ 94A. Nothing herein contained shall preclude the institution of a suit for any amount due under this Act.

CHAPTER IV.

DUTIES, RESPONSIBILITIES AND MUTUAL RELATIONS OF LOCAL BOARDS.

Matters to be
provided for
by local
boards.

95. Every local board shall, subject to such rules as may from time to time be prescribed by the Governor in Council, and so far as the funds at [²its] disposal may admit, provide * * * *² within the areas under their authority [²or with the special sanction in each case of the Governor in Council without the said areas for the following purposes] :—

- (i) the construction, repair and maintenance of [²roads], bridges and other means of communication ;
- (ii) the planting and preservation of trees on sides of roads and on other public places ;
- (iii) the construction [²maintenance] and repair of hospitals, dispensaries, lunatic asylums, choultries, markets, [²slaughter-houses, cart-stands], drains, sewers, [²latrines], water-works, tanks and wells, the payment of all charges connected with the objects for which such buildings have been constructed, the training and employment of medical practitioners and vaccinators, the sanitation of towns and villages, the cleansing of the streets, [²drains, sewers, latrines], tanks and wells and other works of a similar nature ;
- (iv) the diffusion of education, and, with this view, the construction and repair of school-houses, the establishment and maintenance of schools, either wholly or by means of grants-in-aid, the inspection of schools and the training of teachers ;
- (v) the establishment and maintenance of relief-works in time of famine or scarcity ;

¹ The word "local" was substituted for the word "district", and section 94A was added, by ss. 79 (e) and 80, respectively, of the Madras Local Boards Act Amendment Act, 1900 (Mad. Act VI of 1900).

² The word "its" was substituted for the word "their", the words "for the following matters" repealed, certain words inserted at the end of the first paragraph of s. 95, the word "roads" substituted for the word "streets", and certain words inserted in clause (iii), by s. 81 of Mad. Act VI of 1900.

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Secs. 97-98.}

- (vi) other measures of local public utility calculated to promote the safety, health, comfort or convenience of the people ;
- (vii) the payment of salaries, leave-allowances, pensions, gratuities and compassionate allowances to servants employed by the local board ;
- ¹ [(viii) the payment of any amounts falling due on any loans legally contracted by the local board ;]
- ¹ (ix) the payment of all expenses specially provided for by this Act [or specially sanctioned by the local board with the approval of the Governor in Council], but not included under the preceding clauses of this section [¹and the payment of refunds sanctioned by the local board].

96. [*Responsibility of Local Boards.*] *Rep. by s. 82, Mad. Act VI of 1900.*

97. The Governor in Council may at any time, with the consent of any local board, transfer to such local board the management of any institution or the execution of any work not provided for by this Act, and it shall thereupon be lawful for such board to undertake the management of such institution or the execution of such work:

Institutions and works not provided for by this Act.

Provided that in every such case the funds necessary for such management or execution shall be placed at the disposal of the local board by the Governor in Council.

1.—Projections and Obstructions.

98. (1) No wall, fence or other obstruction or encroachment [² whether permanent or temporary] shall be erected on any public [² road] without the written permission of the president of the [² local board concerned] or of some person duly authorized by him in that behalf ; nor shall any building be erected [² or made] without such permission over any sewer or drain or any part of a sewer or drain, or upon any ground which has been covered, raised or levelled wholly or in part by road-sweepings or other rubbish.

Obstructions and encroachments.

(2) If any person erects such obstruction or building without such permission, or, where such permission shall have been granted, in a manner

may be removed.

¹ Cl. (viii) was inserted, the original cl. (viii), renumbered (ix) and certain matter inserted in clause (ix) as so renumbered, by s. 81 of the Madras Local Boards Act Amendment Act, 1900 (Mad. Act VI of 1900).

² The word "road" was substituted for the word "street" in s. 98 (1), the words "local board" substituted for the words "taluk board", and the remaining matter inserted in the section, and a new proviso substituted for the original, by s. 83 of Mad. Act VI of 1900.

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Secs. 98A-98C.)

contrary to or inconsistent with the terms of such permission, the president of the [¹local board concerned], or other person duly authorized as aforesaid, may by notice in writing require the person who shall have erected the obstruction or building to remove the same within a time to be specified in such notice :

¹ [Provided that the president of the local board concerned or other person duly authorized by him in that behalf may by a license allow any erection or structure referred to in clauses (v) and (vi) of section 57.]

Removal of
projections,
etc.

98A. (1) The local board concerned may cause any projection, encroachment or obstruction made against or in front of any building or land in any public road to be removed or altered as it thinks fit.

Notice of
removal.

(2) The local board concerned shall give notice of such intended removal or alteration to the owner or occupier of the building or land against or in front of which such projection, encroachment or obstruction has been made, thirty days before such alteration or removal is begun.

Compensation
when to be
made.

(3) If such projection, encroachment or obstruction is not unlawful, the local board concerned shall make reasonable compensation to every person who suffers damage by such removal or alteration.

Holes and
other obstruc-
tions in a
public road
not to be
made without
the permis-
sion of the
president.

98B. No person shall make any hole or cause any other obstruction in any public road without the written permission of the president of the local board or any person authorized by him. If such permission is granted the person making such hole or obstruction shall at his own expense cause the same to be sufficiently fenced or otherwise enclosed until the hole is filled up or otherwise made secure or until the obstruction is removed, as the case may be, and shall similarly cause the same to be sufficiently lighted at night. If any person contravenes the provisions of this section, the president may fill up the hole or remove the obstruction or cause the same to be lighted, as the case may be, and may recover the cost of so doing from such person.

Payments for
unauthorized
occupation of
lands.

98C. (1) If any person, without the previous sanction of the local board, occupies any land set apart for a public purpose, vested in or belonging to such board, he shall be bound to pay in respect of such occupation such sums as may be demanded by way of penalty from time to time by the said board.

Amount
how to be
recovered in
case of
default.

(2) In case of default of payment of any such sum, the amount thereof may be recovered on the order of a Magistrate after such inquiry as he shall think fit upon complaint made by or on behalf of the local board.

¹ See last footnote on preceding page.

² Ss. 98A, 98B, 98C and 98D were inserted by s. 94 of Mad. Act VI of 1900.

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Sees 98D-99.)

(3) In default of payment of such sum, together with such costs as may be awarded, the same may be levied under the warrant of a Magistrate, with all such powers of distress or sale as are vested in him by any law in force.

Amount
leviable by
distress.

(4) If any damage to the property of the local board has been caused by the person incurring the said penalty, he shall be liable to compensate the local board for such damage as well as to pay the said penalty. And the amount of such compensation shall, in case of dispute, be determined by a Magistrate and recovered in the same manner as is provided in this Act for the recovery of a penalty.

Damage to
local board's
property to be
made good in
addition to
penalty.

198D. The local board may by notice require the owner or occupier of any land adjoining a public road to clear away all prickly-pear, wattle, lantana or noxious vegetation wherever it encroaches on such road and so far as it has spread from such land on to such road.

Power to call
on owner or
occupier of
land adjoining
public
road to clear
encroach-
ments of
noxious
vegetation
on such
road.

2.—Private and Public Wells.

99. The president of the taluk board, or any person duly authorized by him in that behalf, may require the owner of, or the person having control over, any private stream, channel, tank, well or other place, the water of which is used for drinking, to cleanse and maintain the same in good repair, ¹[to provide parapet walls for the same and also to protect any such well from pollution by surface drainage in such manner as he may think fit], or, whenever the said water is proved to the satisfaction of the taluk board to be unfit for drinking, to desist from so using such water or permitting others so to use it, and if, after such notice, the water of such well, tank or reservoir is used by any person for drinking, the president of the taluk board may require the owner or person having control thereof to close such well, tank or reservoir either temporarily or permanently, or to enclose or fence such well, tank or reservoir in such manner as he may direct, so that the water thereof may not be used for drinking :

Closing and
cleansing of
wells, etc.

²[Provided that in the case of private streams, channels, tanks, wells or other places mentioned in this section, the water of which is used for drinking by the public or any section of the public by right, the expenses incurred in

¹ See last footnote on preceding page.

² These words and the proviso to this section were inserted by s. 85 of the Madras Local Boards Act Amendment Act, 1900 (Mad. Act VI of 1900).

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Secs. 100-100B.)

the closing or the fencing of such well, tank or reservoir, shall be paid by the taluk board from the taluk fund.

Taluk board may direct owners to cleanse or fill up tanks and wells, and to drain off stagnant water.

¹100. (1) The taluk board may, by notice, require the owner of any tank or well to cleanse, fence, repair or fill it up, if, on inspection, it appears likely to be dangerous, or prove injurious to the health of the neighbourhood ;

(2) or it may, by notice, require the owner or occupier of any land or premises to drain off or otherwise remove any stagnant water from such land or premises or from any tank or well situated therein, if it considers that such stagnant water is injurious to health or offensive to the neighbourhood.

Order may specify mode in which work is to be done.

(3) Such notice may specify the mode in which such cleansing, filling up, repairing, fencing or drainage is to be effected and the time within which specified portions thereof must be done.

Taluk board may set apart public tanks, &c., for certain purposes.

¹100A. (1) The taluk board may set apart public springs, tanks, wells and other places and parts of public water-courses for drinking purposes or for bathing or for washing clothes or animals or for any other purpose calculated to promote the health, cleanliness, comfort or convenience of the inhabitants ; and, with the consent of the owners, may also set aside any private springs, tanks, wells or other places for any of the aforesaid purposes.

When taluk board may prohibit use of water from sources accessible to the public.

¹(2) The taluk board may during epidemics, on receipt of a certificate from any medical officer in the employ of such taluk board or of Government stating that such action is desirable, summarily by notice prohibit the use of water from any source to which the public have access. Such notice shall be served by placing a notification near the source of water-supply or by beat of drum, stating the number of days during which such prohibition shall last. The taluk board may extend or modify the notice from time to time without the production of a further certificate.

Penalty for using places so set apart for purposes other than those intended.

¹100B. Whoever—

- (i) bathes in or defiles the water in any place set apart for drinking purposes either by the taluk board, or in the case of private property by the owner thereof ;
- (ii) deposits any offensive or deleterious matter in the dry bed of any place set apart as aforesaid for drinking purposes, or
- (iii) washes clothing in any place set apart as aforesaid for drinking or bathing, or

¹ This section was substituted for the original s. 100, and new sections. 100A, 100B, 100C, 100D, 100E, 100F, 100G, 100H, 100I, 100J, 100K and 100L added, by sections 26 and 27, respectively, of Mad. Act VI of 1900. Printed *infra* p. 1048.

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Sec. 100C.)

- (iv) washes any animal or any cooking utensil or wool, skins or other foul or offensive substance or deposits any offensive or deleterious matter in any place set apart as aforesaid for drinking purposes or bathing or washing clothes, or
- (v) allows the water from a sink, sewer, drain, engine or boiler, or any other offensive matter belonging to him or flowing from any building or land belonging to or occupied by him, to pass into any place set apart as aforesaid for drinking purposes or for bathing or for washing clothes,

shall, on conviction before a Magistrate, be liable to a fine not exceeding rupees fifty, and if the offence be a continuing one to a further fine not exceeding rupees ten for every day during which the said offence is continued after conviction.

Prevention of Infectious Diseases.

100C. (1) The president of a local board, or any person duly appointed by him in writing in this behalf, may enter at any time, after two hours notice, into any building or premises in which any dangerous infectious disease is reputed or suspected to exist, for the purpose of inspecting such building or premises.

President to have power of entry for inspection into buildings, etc., where infectious disease exists.

(2) No such inspection shall be made except in the hours between sunrise and sunset.

Inspection to be made between sunrise and sunset.

(3) If the president or such person is of opinion that the cleansing or disinfecting of a building or premises or of a part thereof, or of any articles therein likely to retain infection, would tend to prevent or check the spread of any dangerous infectious disease, he may by notice require the owner or occupier to cleanse or disinfect the same within a time to be specified in such notice: Provided that if the president or such person considers that immediate action is necessary or that the owner or occupier is, by reason of poverty or otherwise, unable effectually to comply with his requisition, the said president or such person may himself cause such building, premises or articles to be cleansed or disinfected, and for this purpose may cause such articles to be removed from such building or premises; and the expenses incurred by

Disinfection of houses, etc.

¹ See footnote on p. 738.

(Chap. IV.—Duties, Responsibilities and Mutual Relations of Local Boards.
Secs. 100D-100H.)

the president or such person under this sub-section shall be recoverable from the said owner or occupier unless he was, by reason of poverty, unable effectually to comply with the said requisition.

President to notify places for washing and disinfecting articles exposed to infection.

¹ 100D. (1) The president shall, from time to time, notify places at which articles of clothing or bedding or other articles which have been exposed to infection from any dangerous infectious disease may be washed or disinfected.

Infected articles may be destroyed.

(2) The president may direct the destruction of bedding, clothing or other articles likely to retain such infection, and shall on demand give compensation for the articles destroyed.

Penalty.

(3) Whoever washes such clothing or bedding or other articles at any place other than those set apart for such purposes under sub-section (1) of this section, shall, on conviction before a Magistrate, be liable to a fine not exceeding rupees fifty.

Disposal of Corpses.

Taluk board to provide burial and burning grounds.

¹ 100E. The taluk board shall provide a sufficient number of convenient and fitting places for burial and burning grounds.

Burial and burning grounds to be registered.

¹ 100F. (1) Every owner or person having the control of any place used at the date of the coming into operation of this Act as a burial-ground or burning-ground shall, if such place be not already registered, apply to the taluk board to have such place registered.

If no owner, taluk board may register or close.

(2) If it appears to the taluk board that there is no owner or person having the control of any such place, the taluk board shall assume such control and direct it to be registered or may, with the sanction of the Governor in Council, cause it to be closed.

No new burial or burning ground to be opened without license.

¹ 100G. No new burial-ground or burning-ground, whether public or private, shall be opened, or used after the coming into operation of this Act, unless a license has been granted by the taluk board.

A book to be kept of places registered or licensed.

¹ 100H. A book shall be kept at the office of the taluk board in which places registered under section 100F, or licensed under the last preceding section, shall be recorded.

¹ See footnote on p. 738.

(Chap. IV.—Duties, Responsibilities and Mutual Relations of Local Boards.
Secs. 100I-100L.)

¹ 100I. Whoever buries or burns or causes or suffers to be buried or burnt any corpse in any place within one hundred yards of a dwelling-place or source of drinking-water supply other than a registered or licensed burial or burning ground shall, on conviction before a Magistrate, be liable to a fine not exceeding rupees one hundred : provided that no prosecution shall be instituted without the written sanction of the president, district board.

Penalty for burying or burning in unlicensed or unregistered place.

¹ 100J. The person having control of a burial-ground or burning-ground shall give information to any person appointed by the taluk board in that behalf of all burials and burnings which take place in or on such ground.

Notice to be given to taluk board of burial, &c.

¹ 100K.. (1) If the district board is satisfied that any registered or licensed burial or burning ground is in such a state as to be, or to be likely to become, dangerous to the health of persons living in the neighbourhood thereof, or that any such place is overcrowded with graves, and, in the case of a public burial or burning ground, that another convenient place duly authorised for burial or burning, as the case may be, has been provided for the persons who would ordinarily make use of such place, it may, with the previous sanction of the Governor in Council, issue a notice that it shall not be lawful, after a period of not less than two months to be named in such notice, to bury or burn any corpse in or on such first-mentioned burial or burning ground.

Where a burial or burning ground is dangerous to health and where in the case of a public burial or burning ground another convenient place is provided, notice may issue not to bury or burn.

(2) Every such notice shall be published in the village concerned by beat of drum and in the District Gazette.

Notice to be published.

(3) Whoever, after the expiration of such period, buries or burns, or cause or permits to be buried or burnt, any corpse contrary to the terms of the notice shall on conviction before a Magistrate be liable to a fine not exceeding rupees one hundred.

Penalty for burying, &c., contrary to notice.

Miscellaneous.

100L. If any building, tank, well or hole or other place, whether on public or private ground, is, for want of sufficient repair, protection or enclosure, dangerous to the public health or safety, the taluk board may, by notice, require the owner or occupier of such place or of the land on which such building, tank, well or hole is situated, to cause the same to be repaired, protected or enclosed so as to prevent danger therefrom, within a time to be specified in such notice.

Dangerous places to be repaired or enclosed.

¹ See footnote on p. 738.

(Chap. IV.—Duties, Responsibilities and Mutual Relations of Local Boards.
Secs. 101-103.)

3.—Unwholesome Buildings and Lands.

Cleansing
and draining
of buildings.

101. Whenever any building or land shall, in the opinion of [1 the] taluk board, be in a state injurious to health or offensive to the neighbourhood, the president of the taluk board, or any person duly authorized by him in that behalf, may, by notice in writing, inform the owner or occupier of such building or land that, unless such owner or occupier cleanse or drain such building or land [1 within the time specified in the notice], the president of the taluk board, or any person authorized by him in that behalf, will cause the same to be cleansed or drained.

* * * * *

* * * * *

Power to
enter upon
land for
purposes of
Act.

2 101A. The president of the taluk board, or any person duly authorized by him in this behalf, may, with the consent of the occupier of any building or land, or after giving six hours' notice to such occupier, between sunrise and sunset, enter into and upon any building or land either for the purpose of making any survey or inspection or for doing any other act necessary for carrying out the purpose of this Act, without being liable to any legal proceedings or molestation whatsoever on account of such entry or of anything done in any part of such building or land in pursuance of this Act.

4.—Vaccination.

Provision
for vaccina-
tion.

102. Every district board shall make provision for the gratuitous vaccination of all persons residing within the district—

- (i) by employing an adequate staff of duly qualified vaccinators, and
- (ii) by making suitable provision for, and defraying the charges of, maintaining a supply of vaccine-lymph and such public vaccinating stations as may be necessary.

Licensed
vaccinator.

103. The Governor in Council may, by a written license, authorize any medical practitioner or other person to perform the operation of vaccination, and may at any time suspend or cancel any such license.

¹ These words were inserted and sub-ss. (2) and (3) omitted by s. 88 of Mad. Act VI of 1900.

² S. 101A was inserted by s. 88 of the Madras Local Boards Act Amendment Act, 1900 (Mad. Act VI of 1900).

(Chap. IV.—Duties, Responsibilities and Mutual Relations of Local Boards.
Secs. 104-107.)

104. (1) No fee or remuneration shall be charged by any public vaccinator for any vaccination performed, inspection made, certificate given or other thing done under this Act :

No fee to be charged for vaccination by any public vaccinator or for certificates.

¹ [Provided that the president of the district board or some person or persons authorized by him in that behalf may, upon application by any person and upon the payment by him of such fee as the district board may have prescribed, direct a public vaccinator to perform vaccination or to make an inspection as hereinafter provided at the private residence of such person.

But fee may be levied for vaccination, etc., at private houses.

¹(2) If the application mentioned in the proviso to sub-section (1) is made in respect of a female who according to the customs of the country does not appear in public, the application shall be complied with and no fee shall be charged in respect of such compliance.

Vaccination of gosha females.

105. (1) The parent or guardian of any child successfully vaccinated may require from the vaccinator a certificate to the effect that the child has been successfully vaccinated, and the vaccinator shall furnish such certificate.

Certificate of vaccination.

(2) If the vaccinator is of opinion that a child which has been three times unsuccessfully vaccinated is insusceptible of successful vaccination, he shall deliver to the parent or guardian of such child a certificate to that effect.

Certificate when child is insusceptible of vaccination.

Compulsory Vaccination.

106. (1) The Governor in Council may, by notification, declare that vaccination shall be compulsory in any district [²or any portion of a district] from a date to be specified in such notification, and may, from time to time, in like manner, cancel or modify such declaration.

Governor in Council may declare vaccination compulsory.

(2) On the publication of the said notification, the district board shall cause to be proclaimed by beat of drum and by publication in the District Gazette that vaccination is compulsory [³in the said area].

District board to proclaim that vaccination is compulsory.

107. (1) The parent or guardian of any unprotected child who is * * * six months old but is under ten years of age, and who has resided within the limits of such [³area] for a period of six months after such proclamation,

Unprotected child to be vaccinated.

¹ This proviso and sub-section were added to s. 104 by s. 89 of Mad. Act VI of 1900.

² These words were inserted in s. 106 (1), and the words "in the said area" substituted for the words "in the district in sub-s. (2)," by s. 90 of Mad. Act VI of 1900.

³ The words "more than" were omitted and the word "area" substituted for the word "district" in section 107, by s. 91 of Mad. Act VI of 1900.

(Chap. IV.—Duties, Responsibilities and Mutual Relations of Local Boards.
Secs. 108-110.)

shall take or cause it to be taken to a vaccinator or shall procure its vaccination by a vaccinator :

Provided that no parent or guardian shall be bound to take or cause to be taken any child in order to procure its vaccination or inspection beyond the limits of the village in which such parent or guardian resides.

President of a district board may cause child exposed to infection to be vaccinated.

¹ (2) The president of the district board or some person or persons authorised by him in that behalf may direct the vaccination of any child under six months of age, when it is exposed to infection in consequence of residence in a house infected by small-pox.

Vaccinator to deliver certificate of postponement.

108. (1) Such vaccinator shall, if he finds such child in a state unfit for vaccination, deliver to its parent or guardian a certificate to the effect that the child is in a state unfit for vaccination.

Procedure when child is unfit for vaccination. Renewal of postponement certificate.

(2) A certificate granted under this section showing the unfitness of a child for vaccination shall remain in force for such period not exceeding three months as shall have been stated therein ; and on the termination of that period the parent or guardian of such child shall, subject to the proviso contained in the last preceding section, take the child or cause it to be taken to such vaccinator as aforesaid to be vaccinated, or procure its vaccination at his own house by such vaccinator, and shall subsequently cause it to be inspected in the manner hereinafter provided :

Provided that, if the child is still found to be in a state unfit for vaccination, the certificate shall be renewed.

Vaccinator to vaccinate child.

109. Such vaccinator shall, if he finds the child to be in a state fit for vaccination, vaccinate the child and deliver to its parent or guardian a memorandum stating the date on which the vaccination has been performed and the date on which the child is to be inspected in order to ascertain the result of the operation.

Inspection after vaccination.

110. (1) The parent or guardian of every child which has been vaccinated under the last preceding section shall, subject to the proviso contained in section 107, on the date of inspection stated in the memorandum, take the child, or cause it to be taken, to such vaccinator for inspection, or shall procure its inspection by such vaccinator ; and such vaccinator shall then append to the memorandum a certificate stating that the child has been inspected and the result of such inspection.

Procedure when vaccination is successful.

(2) When it is ascertained, at the time of inspection under this section, that the vaccination has been successful, a certificate shall be delivered by the

¹ Sub-s. (2) was added to this section by s. 91 of the Madras Local Boards Act Amendment Act, 1900 (Mad. Act VI of 1900).

(Chap. IV.—Duties, Responsibilities and Mutual Relations of Local Boards.
Secs. 111-112.)

vaccinator to the parent or guardian of such child to that effect; and such child shall thereafter be deemed to be protected.

(3) When it is ascertained that the vaccination has been unsuccessful, the parent or guardian shall, if the vaccinator so direct, cause the child to be forthwith again vaccinated, and shall subsequently cause it to be inspected in the manner provided in sub-section (1) of this section.

Procedure when vaccination is unsuccessful.

(4) If the vaccinator is of opinion that a child which has been three times unsuccessfully vaccinated is insusceptible of vaccination, he shall deliver to the parent or guardian of such child a certificate to that effect; and the parent or guardian shall thenceforth not be required to cause the child to be vaccinated.*

Certificate of insusceptibility.

111. No private vaccinator shall be bound to vaccinate any child or make any inspection under sections 107, 108, 109 and 110, but, if such vaccinator perform the operation of vaccination or make any inspection under the aforesaid sections, such vaccinator shall grant the certificates mentioned in the said sections.

Private vaccinator.

112. (1) The president of the district board, or any person authorized by him in that behalf, shall ascertain which children under the age of ten years within the district or portion of a district proclaimed under sub-section (2) of section 106 are unprotected; and, for the said purpose, he may require any parent or guardian to forward to him within a specified time a list in writing signed by him, of the number and ages of the children under his guardianship; and, if he has reason to believe that the parent or guardian of any unprotected child is bound by the provisions hereinbefore contained to procure the vaccination or inspection of such child and has omitted so to do, he shall make inquiry, and shall, if the fact is proved to his satisfaction, forthwith deliver to such parent or guardian, or cause to be affixed to his house, a notice requiring that the child be vaccinated or inspected, as the case may be, at a time and place to be specified in the notice.

Notice to parent or guardian of unprotected child, etc.

(2) If such notice is not complied with, the president of the district board or such person shall send a report on the matter to the Magistrate, who shall summon the parent or guardian of the child and demand his explanation, and shall, if such explanation is not satisfactory, [1 sentence such parent or guardian to pay a fine not exceeding rupees twenty].

If notice is disobeyed, Magistrate to direct obedience.

* Sub-s. (1) was substituted for the original sub-section, certain words substituted for original matter at the end of sub-s. (2), and new sub-ss. (3) and (4) substituted for the original sub-s. (3), by s. 92 of the Madras Local Boards Act Amendment Act 1900 (Mad. Act VI of 1900).

(Chap. IV.—Duties, Responsibilities and Mutual Relations of Local Boards.
Secs. 114-116.)

The Magistrate to direct compliance with notice before given date.

¹ (3) If the Magistrate finds the explanation given by the parent or guardian of the child to be satisfactory, he shall make an order in writing directing such parent or guardian to comply with the notice given under sub-section (1) before a date specified in the order, and, if on such date the said order has not been obeyed, the Magistrate shall again summon the parent or guardian to appear before him and shall proceed as before.

No penalty where animal-lymph demanded but not available.

¹ (4) No penalty shall be imposed under this section if it is proved that the parent or guardian has demanded the use of animal vaccine-lymph and that such lymph has not been available.

113. [Provision as to person who does not appear in public.] Rep. by s. 93 of Mad. Act VI of 1900.

Penalty for signing a certificate by unlicensed vaccinator.

114. Whoever, after the publication of the notification mentioned in section 106, not being a vaccinator under this Act, wilfully signs or makes a certificate purporting to be a certificate granted under this Act, shall be liable to a fine not exceeding rupees five hundred.

Penalty for signing a false certificate.

115. Whoever, being a vaccinator, wilfully signs or makes, or procures the signing or making of, a false certificate, or, being bound to grant a certificate under this Act, refuses or neglects to grant the same, shall be liable to a fine not exceeding rupees one hundred.

Penalty for a public vaccinator furnishing a false statement or return to a public servant.

² 115A. Whoever, being a public vaccinator, furnishes as true any statement or return to any public servant as such, which he knows or has reason to believe to be false, shall be deemed to have committed an offence punishable under section 177 of the Indian Penal Code.³

XIV of
1860.

Prohibition of inoculation. Inoculated persons not to leave their place of residence within forty days without certificate.

¹ 116. Inoculation is hereby prohibited; and no person who has undergone the operation of inoculation shall leave the village or town in which he is, before the lapse of forty days from the date of inoculation, without a certificate from a medical practitioner of such class as the Local Government may from time to time by written order authorize to grant such certificates, stating that such person is no longer likely to produce small-pox by contact or near approach.

Penalty for so leaving.

Whoever contravenes the provisions of this section shall, on conviction before a Magistrate, be liable to simple imprisonment for a term not exceeding three months, or to a fine not exceeding rupees two hundred, or to both.

¹ See footnote on preceding page.

² S. 115A was inserted, and a new section substituted for s. 116, by sections 94 and 95, respectively, of Mad. Act VI of 1900.

³ Printed, Genl. Acts, Vol. I, page 240.

(Chap. IV.—Duties, Responsibilities and Mutual Relations of Local Boards.
Secs. 117-117 B.)

5.—*Private Latrines.*

117. (1) The president of the taluk board, or any person authorized by him in that behalf, may contract with the owner or occupier of any building or land to supply him on payment with a scavenger for the removal of night-soil, [¹ sewage or other rubbish] from the building or land belonging to, or occupied by, such owner or occupier, on such terms and subject to such conditions as such president or person authorized by him as aforesaid may think fit. Private scavengering.

(2) The amount due under such contract shall be payable on demand, and in default shall be recoverable in the manner provided for the recovery of fees under section 93 (2). Recovery of fees.

Markets.

² 117A. The taluk board may declare any place ordinarily or periodically used or intended to be used for the sale of meat, fish, fruit, grain, vegetables or other perishable articles of food, or for the sale of live-stock or poultry, to be a market: Provided that no such declaration shall be made in respect of any single shop or of any group of shops not being more than three in number, and that any such declaration may, at any time, but subject to the provisions of sub-section (2) of section 117B, be cancelled by the taluk board. Taluk board may declare a place to be a market.

(a) *Public Markets.*

³ 117B. (1) Subject to the the sanction of the Governor in Council, the taluk board may charge such rents and fees as it may deem fit for the use of, or right to expose goods for sale in, public markets, and for the use of shops, stalls, sheds, pens and standings therein. Taluk board may charge rents and fees for use of public markets.

(2) The taluk board may, with the sanction of the Governor in Council, close any such market or any part thereof. Taluk board may close public markets.

(3) The president may exclude from any such market any person who or whose servant has been convicted of disobeying any bye-law made for the regulation and control of such market, and may prevent such person by himself or his servants from further carrying on any trade or business in such market or occupying any stall, shop or other place therein, and may determine any lease or tenure which such person may have in any such stall, shop or other place. Power to exclude persons disobeying bye-laws and to determine lease, etc.

¹The words "sewage or other rubbish" were inserted by s. 96 of Mad. Act VI of 1900.

² Ss. 117A to 117Q were inserted by s. 97 of Mad. Act VI of 1900.

(Chap. IV.—Duties, Responsibilities and Mutual Relations of Local Boards,
Secs. 117 C-117 E.)

Appeal
against order
of the
president
under
sub-section
(3).

(4) Any person aggrieved by an order of the president issued under sub-section (3) may appeal against such order to the taluk board within thirty days from the date of receipt of such order, and the taluk board may either confirm, modify or cancel the order appealed against.

Penalty
for selling
in public
market in
contravention
of the Act or
bye-law made
thereunder.

¹ 117C. Whoever, in contravention of this Act or any bye-law made thereunder, sells or exposes for sale any article within a public market, shall be liable to a fine not exceeding rupees twenty for each offence.

(b) *Private Markets.*

Taluk board
may notify
villages
where control
over private
markets is to
vest in it.

² 117D. With the approval of the Governor in Council, the taluk board may notify villages in which the control over private markets shall be vested in it, and thereafter in such villages the provisions of sections 117E—117I shall be applicable from and after the expiry of six months from the date of such notification.

License to be
obtained for
opening a
private
market, etc.

¹ 117E. (1) Every person intending to open a new private market or to continue to use a private market for the sale, or exposure for sale, of animals or articles of food for human consumption, shall obtain from the taluk board a license to do so. In respect of a license for a new private market such fee shall be payable as may be fixed by the taluk board, not exceeding rupees one hundred per annum.

Applications
for licenses
to be made
not less than
thirty days
in advance.

(2) Applications for licenses to open newly, or to continue to use, private markets shall be made by the owners thereof not less than thirty days before they propose to open them, or not less than sixty days before the commencement of the financial year during which they intend to continue to use them, as the case may be.

Taluk board
may grant
licenses for
certain
private
markets.

(3) The taluk board as regards private markets lawfully established at the coming into operation of this Act shall, and as regards all other private markets may, at its discretion, grant any license applied for under this section subject to such rules as to supervision and inspection and to such conditions as to conservancy and other matters as it thinks proper. The taluk board may refuse to grant a license to any new private market. It may also at any time for breach of the conditions thereof suspend or cancel any license which has been granted under this section. The taluk board may also modify the conditions of the license to take effect from the beginning of the following financial year.

¹ See last footnote on preceding page.

(Chap. IV.—*Duties, Responsibilities and Mutual Relations of Local Boards.*
Secs. 117 F-117 H.)

(4) When a licence to open a market is granted, or when a license is refused, suspended, cancelled or modified under this section, the taluk board shall cause a notice of such grant, refusal, suspension, cancellation or modification, in English and a vernacular language of the district, to be posted in some conspicuous place at or near the entrance to the place in respect of which the license was sought.

Notice of grant, etc., of license to be posted up.

(5) Every license granted under this section shall expire at the end of the financial year for which it has been granted.

Licenses to expire at end of year.

(6) If the taluk board neglects to pass orders upon an application for a license under this section and to communicate the same to the applicant within two months after the receipt of the application, the applicant may open the place in respect of which the application was made or, as the case may be, may continue to use such place during the financial year for which the license was sought; and the said place shall be held to be duly licensed for the financial year during which it was opened or for which the license was sought, as the case may be.

When market may be used without license.

117E. Whoever sells or exposes for sale any animal or article in an unlicensed private market, and any owner of such market directly or indirectly permitting the sale of such animal or article therein, shall on conviction before a Magistrate be liable to a fine not exceeding rupees twenty.

Penalty for selling or permitting to sell in unlicensed private market.

Explanation.—A market is unlicensed within the meaning of this section if the license for the use thereof has expired or has been cancelled or suspended.

117G. Every owner, Farmer or occupier of any private market shall—

- (i) construct such approaches, entrances, passages, gates, drains and cesspits therein as the taluk board directs;
- (ii) cause such market to be roofed and paved with such materials and in such manner, and to be provided with such latrines and urinals of such description and in such position and number, as the taluk board directs;
- (iii) provide for such supply of water to such market as the taluk board directs; and
- (iv) make such alterations in the stalls, passages, shops, doors or other parts of the said market or place as the taluk board directs.

Private markets to be properly drained, etc.

117H. (1) If such owner, Farmer or occupier, after notice given to

Penalty for default to drain, etc.

¹ See last footnote on p. 747.

*(Chap. IV.—Duties, Responsibilities and Mutual Relations of Local Boards.
Secs. 117I-117L.)*

him by the taluk board, directing him to carry out within a period to be specified in the notice any of the measures provided in the last preceding section, fails to comply with such notice, the taluk board may suspend, withhold, cancel or refuse the license until the notice shall have been complied with; and any person opening or keeping open any such market after such withholding, suspension, cancellation or refusal shall, on conviction before a Magistrate, be liable to a fine not exceeding rupees twenty for every day during which such market or place is so opened or kept open.

Penalty for not keeping private market properly or for not abating nuisance.

(2) Any owner, Farmer, occupier, agent or manager in charge of any such market or of any shop, stall, shed or other place therein, who keeps the same so that it is a nuisance, or who does not cause anything that is a nuisance to be at once removed to a place to be notified by the taluk board, shall, on conviction before a Magistrate, be liable to a fine not exceeding rupees twenty for each offence.

Power to close private market.

¹ 117I. The taluk board, or any officer duly authorized by it in that behalf, may summarily close any private market which is held or kept open, contrary to the provisions of this Act.

Appeal against orders under certain sections.

¹ 117J. Any person aggrieved by an order of the taluk board under sub-section (3) of section 117E, or section 117G, or section 117I, may appeal against such order to the district board, within thirty days from the date of receipt of such order, and the district board may either confirm, modify or cancel the order appealed against; and pending such appeal the president district board, may, if he thinks fit, suspend the execution of the order appealed against.

(c) General.

Local board may prohibit sale in public roads.

¹ 117K. (1) A local board may, from time to time, by notification, by beat of drum and by publication in the District Gazette, prohibit the sale, or exposure for sale, of any articles in or upon any specified public road or place or part thereof, and may in like manner cancel, suspend or modify such prohibition.

Penalty for selling after prohibition.

(2) Whoever, after such notification, sells or exposes for sale any articles in any such road or place against the terms of such notification, shall, on conviction before a Magistrate, be liable to a fine not exceeding rupees ten.

Public Slaughter-houses.

Taluk board may provide slaughter-houses.

¹ 117L. The taluk board may provide a sufficient number of places for the purpose of being used as public slaughter-houses, and may levy a fee on

¹ See footnote on page 747.

(Chap. IV.—Duties, Responsibilities and Mutual Relations of Local Boards.

Secs. 117M-117P.)

each animal slaughtered therein at rates not exceeding rupee one for every head of cattle, and annas two for every sheep, goat or pig.

¹ 117M. The taluk board may, with the previous sanction of the Governor in Council, notify that no person shall slaughter or permit to be slaughtered, or cut up or skin, or permit to be cut up or skinned, any cattle, sheep, goat or pig at any place in any town or village to be notified by name in the District Gazette, other than at a public slaughter-house provided by the taluk board, except with the written permission of the president. Any person acting in contravention of such notification shall on conviction before a Magistrate be liable to a fine not exceeding rupees twenty for each animal so slaughtered, cut up or skinned: Provided that nothing in this section shall be held to prohibit the slaughter of animals in the performance of religious rites in the places where it is usual to perform such rites, or for private use, but not for sale.

Taluk board may notify prohibition of the slaughtering, etc., of cattle in places other than public slaughter-houses. Penalty for failure to comply with such notification. Proviso.

¹ 117N. The provisions of sections 117L and 117M shall not apply to places used by Government for the purposes mentioned in the said sections.

Government places exempted.

Cart-stands, etc.

¹ 117O. (1) The taluk board may, from time to time, provide places for the purpose of being used as cart-stands, public landing-places or public halting-places, and may levy fees for the use thereof.

Taluk board may provide cart-stands, etc.

(2) If, upon demand by the person authorized to collect on behalf of the taluk board fees for the use of any such cart-stand, landing-place or halting-place, any person refuses or neglects to pay the prescribed fee, the provisions of section 90 shall, *mutatis mutandis*, apply.

If fee for use of cart-stand, etc., not paid, property may be seized.

(3) A statement, in English and a vernacular language of the district, of the fees prescribed by the taluk board for the use of cart-stands, public landing-places and public halting-places shall be posted conspicuously in every place where such fees are leviable. Unless such statement is so posted, no such fees shall be leviable.

Table of fees to be put up.

¹ 117P. (1) No person shall open or keep open a private cart-stand who has not obtained from the taluk board a license to do so.

License to be obtained for a private cart-stand.

(2) The fee payable in respect of such license shall not exceed rupees fifty per annum.

Fee leviable for the license.

¹ See footnote on p. 747.

(Chap. IV.—Duties, Responsibilities and Mutual Relations of Local Boards.
Secs. 117Q-118.)

Penalty for
keeping open
without
license.

(3) Any person who, in contravention of this section or of any bye-law made under this Act, opens or keeps open a private cart-stand without a license shall, on conviction before a Magistrate, be liable to a fine not exceeding rupees twenty.

Taluk board
may suspend
or cancel
licenses.

(4) The taluk board may at any time for breach of the conditions thereof suspend or cancel any license which has been granted under this section.

When license
shall be
granted.

(5) In all cases where the owner of a private cart-stand, open and in use at the commencement of this Act, duly applies for a license in respect of his cart-stand, the taluk board shall grant such license. In any other case the taluk board may, in its discretion, grant or refuse a license. Any license granted under this section shall be subject to such rules as to supervision and inspection and to such conditions as to conservancy as the taluk board may think proper.

When this
section shall
come into
operation.

(6) The provision of this section shall not come into operation until bye-laws for the regulation and control of private cart-stands, to be made under section 152A of this Act, have come into force.

Certain
sections to
apply only to
areas
included in
unions.

¹ 117Q. The provisions of sections 98B, 100B, 100C, 100D, 100E, 100F, 100G, 100H, 100I, 100J, 100K, 117L and 117M shall, unless and until the Governor in Council shall otherwise direct as to any particular area, apply only to areas included in unions.

Contributions
to other local
authorities.

² 118. If the expenditure incurred for any of the purposes described in section 95 by any authority constituted under the Madras District Municipalities Act, 1884,³ or the City of Madras Municipal Act, 1884,⁴ or other similar laws for the time being in force, is calculated to benefit the inhabitants of any local area, or if the expenditure incurred by a local board in any one local area is calculated to benefit the inhabitants of any other local area, the local board of the local area so benefited may, with the sanction of the Governor in Council, contribute towards such expenditure; or the Governor in Council may direct such local board to show cause, within a month after the receipt of the order containing the direction, why such contribution should not be paid. If the local board fails to show such cause within the said period to the satisfaction of the Governor in Council, he may direct the said local board to pay such contribution as he shall name, and it shall be paid accordingly.

Mad. IV of
1884.
Mad. I of
1884.

¹ See last footnote on p. 747.

² S. 118 was substituted for the original section by s. 98 of Mad. Act VI of 1900. *Infra* p. 1050.

³ Printed *supra*, p. 548.

⁴ Printed *supra*, p. 398.

(Chap. V.—Unions and Pancháyats; their Constitution, Powers and Duties.
Secs. 119-122.)

CHAPTER V.

UNIONS AND PANCHÁYATS; THEIR CONSTITUTION, POWERS AND DUTIES.

119. There shall be established for each union a pancháyat, having authority over that union, and consisting of not less than five persons, who shall be called members of the pancháyat.

Establishment in each union of a pancháyat consisting of not less than five pancháyat-dárs.

120. (1) The headman of each [¹ revenue] village [¹ or portion of such village] comprised in the union shall *ex officio* be a member of the pancháyat.

Village-headman to be *ex officio* member.

(2) If any doubt shall arise as to who is the headman of a [¹ revenue] village [¹ or portion of such village,] it shall be competent to the revenue-officer in charge of the division of the district wherein such [¹ revenue] village [¹ or portion of such village] is situated to declare by an order in writing who is such headman for the purposes of this Act.

Decision as to who is village-headman.

121. The other members of the pancháyat may be—

Appointment of other pancháyat-dárs.

- (i) either wholly appointed by the Governor in Council, or
- (ii) partly so appointed and partly appointed by election by the taxpayers and inhabitants of the union or of a part thereof, subject to such rules and conditions as may, from time to time, be prescribed by the Governor in Council.

² 122. The Governor in Council shall, on the provisions of this Act regarding pancháyats coming into force in any union, declare—

The Governor in Council to declare the maximum number of pancháyat-dárs, and how many are to be elected.

- (i) what shall be the maximum number of members of the pancháyat for the time being to be appointed for such union, and
- (ii) the number of members of the pancháyat, if any, to be appointed by election in such union or in a part thereof.

³ [Provided that the Governor in Council may, by notification, from time to time cancel or modify such declaration. But such notification shall not come into force until one month after the same shall have been published in the Fort St. George Gazette and in the local Gazette of the district.]

¹ These words were inserted by s. 99 of Mad. Act VI of 1900.

² For list of notifications under this section, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, pp. 667 to 708.

³ This proviso was added to s. 122 by s. 100 of Mad. Act VI of 1900.

(Chap. V.—Unions and Pancháyats; their Constitution, Powers and Duties.
Secs. 123-126.)

The Governor in Council may appoint a chairman, or may authorize his appointment by election, and may withdraw such authority.

Term of office.

123. The Governor in Council may appoint one of the members of the pancháyat to be the chairman of the pancháyat, or may, by notification, from time to time, authorize the members of the pancháyat to appoint their chairman by election from among their own number, in accordance with such rules and conditions as may from time to time be prescribed by him, and may, at any time, by notification, cancel such authority.

124. (1) Any person appointed to be a member of the pancháyat shall hold office for three years and shall then cease to be a member of such pancháyat, and any member of a pancháyat appointed to be chairman shall be deemed to have vacated his office on his ceasing to be a member of such pancháyat * * * * *

¹ [Provided that, when the person so appointed chairman be an *ex officio* member of the pancháyat, he shall be deemed to have vacated his office of chairman at the expiration of three years from the date of his appointment.]

(2) Any outgoing member ¹ [or chairman] of a pancháyat shall, if otherwise qualified, be eligible for re-appointment.

Resignation of pancháyat-lárs.

125. (1) Any person appointed to be chairman or member of a pancháyat may tender his resignation to the Governor in Council and, on such resignation being accepted, shall be deemed to have vacated his office.

Member who is a salaried officer of Government or local board vacates office on transfer, &c.

² [(2) Any person holding a salaried office under Government or a local board, who is a member of the pancháyat shall, on being permanently transferred from the local area over which such pancháyat has authority or on quitting such local area with the intention of being absent therefrom for more than three months, or on his resignation, suspension, removal or retirement from his office under Government or the local board, be deemed to have vacated his office of member of such pancháyat.]

Removal of pancháyat-lárs.

126. ³ [The Governor in Council may, at any time, by notification, remove—

(1) any member of a pancháyat other than an *ex officio* member, or

¹ These words were omitted, a proviso added to sub-s. (1) and the words "or chairman" inserted in sub-s. (2), by s. 101 of Mad. Act VI of 1900.

² Sub-s. (2) was inserted here by s. 102 of Mad. Act VI of 1900.

³ For the first two lines of sub-s. (1) the present words were substituted, certain words were inserted in clauses (i) and (iii), and the words "such chairman or member" substituted for the words "any person", all by s. 113 of Mad. Act VI of 1900; the original sub-s. (2) now becomes sub-s. (3) by implication.

(Chap. V.—Unions and Pancháyats ; their Constitution, Powers and Duties.
Secs. 127-128.)

(2) the chairman of a pancháyat,—

- (i) if he [¹is absent for more than four months from the local area over which such pancháyat has authority or] refuses to act or becomes incapable of acting, or is declared an insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Governor in Council, a defect of character which unfits him to be a chairman or member of a pancháyat ;
- (ii) if he, without excuse sufficient in the opinion of the Governor in Council, neglects for more than three consecutive months to be present at the meetings of the pancháyat ;
- (iii) if his continuance in office is, in the opinion of the Governor in Council, dangerous to the public peace or order [¹or likely to bring the administration of the pancháyat into contempt].

(3) The Governor in Council may prescribe a period during which [¹such chairman or member] so removed shall not be eligible for re-appointment or re-election. Re-appoint-
ment.

127. When the office of chairman or member of pancháyat becomes vacant, another person shall, unless the Governor in Council otherwise direct, be appointed to be chairman or member of such pancháyat in the same manner in which his predecessor has been appointed. Filling of
casual vacan-
cies.

²127A. When the place of a chairman falls vacant before another is permanently appointed, the president of the taluk board concerned shall appoint any member of the pancháyat to perform the duties of a chairman until one is permanently appointed. Such member shall, for the period during which he exercises the powers of the chairman under this section, be styled the “temporary chairman.” President,
taluk board,
to fill up
temporary
vacancies in
the office of
chairman.

128. (1) Every pancháyat shall, subject to the provisions of this Act, be the agent and under the control of the taluk board ; Pancháyat to
be under the
control of
taluk board.

(2) and the taluk board, and not the pancháyat, may sue and be sued in respect of any act or omission of the pancháyat giving rise to a cause of action. Taluk board
to sue and
be sued.

³[Provided that, in cases where it may seem desirable, it shall be lawful

¹ See last footnote on preceding page.

² This section was inserted by s. 104 of Mad. Act VI of 1900.

This proviso was added by s. 105 of Mad. Act VI of 1900.

(Chap. V.—Unions and Pancháyats ; their Constitutions, Powers and Duties.
Secs. 129-133.)

for the Governor in Council to declare that the powers as regards pancháyats and their chairmen, conferred by this Act on taluk boards and their presidents, shall not be exercised by them, but by the district board and its president.]

Mode of transacting Business.

Pancháyat
office and
meetings.
Who to
preside at
meetings.

129. The pancháyat shall provide an office, and shall meet for the transaction of business at least once a month.

Majority to
decide ques-
tions and
casting vote.
Quorum.

130. (1) The chairman shall preside at each meeting, and in his absence the members of the pancháyat shall elect one of their number present at the meeting to preside thereat.

(2) All questions coming before a meeting shall be decided by a majority and in the case of equality of votes the chairman or presiding member of the pancháyat shall have a second or casting vote.

(3) No business shall be transacted at a meeting unless at least one-third of the pancháyatdúrs [¹ then on the pancháyat] be present [¹ not being less than three in number].

Minutes how
to be pre-
served.

131. (1) Minutes of the resolutions passed at each meeting shall be recorded in a book kept for the purpose, and shall be signed by the chairman or the member of the pancháyat who presided at the meeting, and shall be open to the inspection of the taxpayers and inhabitants of the union.

Copies to be
sent to pre-
sident of
taluk board.

(2) Copies of the resolutions of the pancháyat shall be prepared and sent by the chairman within three days after the passing thereof to the president of the taluk board.

Chairman
to carry out
resolutions.

132. (1) The resolutions of the pancháyat shall be carried out by the chairman, in whom the entire executive power of the pancháyat shall be vested, and who shall be directly responsible for the due fulfilment of the purposes of this Act.

(2) Any chairman, with the previous consent of the pancháyat, may, on his own responsibility, * * *,² authorize any member of the pancháyat, by an order in writing, to exercise [² for a period not exceeding four months during any one financial year] any of the powers conferred on such chairman by this Act, and may * * * * *,² cancel or modify such authority.

Other
karnams to
do certain

133. (1) The chairman may, with the approval of the Revenue-officer in charge of the division of the district wherein the union is situated, at any

¹ These words were inserted and added by s. 106 of the Madras Local Boards Act Amendment Act, 1900 (Mad. Act VI of 1900).

² The words " from time to time " and " at any time in like manner " were omitted, and words inserted in the third line of the section, by s. 107 of Mad. Act VI of 1900.

(Chap. V.—Unions and Pancháyats; their Constitution, Powers and Duties.
Secs. 134-135.)

time, by an order in writing, require the karnam of any village comprised in the union to furnish within a reasonable time any statement, account or return in respect of such village required for the purposes of this Act. duties on the requisition of the chairman.

(2) Every karnam who, without reasonable excuse, omits to obey such order, shall, on conviction before a Magistrate, be liable to a fine not exceeding rupees twenty. Penalty for neglect or disobedience of such requisition.

Appointments, etc., of Servants.

134. (1) The pancháyat may at a meeting, subject to the approval of the president of the taluk board, from time to time, fix the number and salaries of the servants necessary for carrying out the purposes of this Act. Servants and salaries.

(2) [Subject to the approval of the president of the taluk board,] the chairman shall from time to time appoint proper persons to be such servants and [¹ shall] pay them such salaries from the funds at the disposal of the pancháyat; and he may also in cases of emergency employ temporary servants. ¹ [Such servants may be transferred by the president of the taluk board, from one union to another under the same taluk board, whenever he considers such a course necessary.] Chairman to appoint servants.

(3) The chairman may from time to time [² fine,] suspend or dismiss any servant appointed by him and appoint another person in his place. Chairman may suspend, etc.

(4) Any servant aggrieved by any order passed by the chairman under this section may, within one month from the date of such order, appeal to the president of the taluk board, and the order passed thereon by such president shall be final. Appeals.

135. (1) If on complaint made or by other means the president of the taluk board has reason to consider that any pancháyat [³ has passed] any resolution, order or proceeding in excess of [³ its] authority, he may, by notice in writing, call upon the pancháyat to show cause to the satisfaction of the taluk board, within such time as shall be specified in the notice, why such resolution, order or proceeding shall not be set aside. Revision of proceedings by taluk board.

(2) If the pancháyat [³ fails] to show such cause, within the time specified, to the satisfaction of the taluk board, the taluk board may, by a resolution

¹ These words were inserted and the clause added at the end of sub-s. (2) of s. 134 by s. 108 of Mad. Act VI of 1900.

² The word "fine" was inserted by s. 108 of Mad. Act VI of 1900.

³ The words "has passed" were substituted for the words "have passed," the word "its" for the word "their," the word "fails" for the word "fail" and the word "it" at the end of the sub-section for the word "they," by s. 109 of Mad. Act VI of 1900.

(Chap. V.—Unions and Pancháyats; their Constitution, Powers and Duties.
Secs. 136-138.)

passed to that effect at a meeting and supported by not less than one-half of the members for the time being of such board, set aside the resolution, order or proceeding of such pancháyat and may pass such other orders as ¹[it] may deem fit.

Inspectors,
etc.

136. (1) The taluk board may, from time to time, employ such officers as may be required for the purpose of superintending and inspecting the working of unions within the taluk, or may authorize any officer of Government in that behalf.

Powers of
inspectors.

(2) Any officer so employed or authorized may at any time inspect any property, accounts, books and other documents under the control of the pancháyat, and may record such remarks as he may deem necessary for the information of the pancháyat, and shall submit a copy of such remarks for the consideration of the taluk board.

Emergency
cases.

137. (1) In cases of emergency the Revenue-officer in charge of the division of the district wherein any union is situated, or any person duly authorized in that behalf by the Governor in Council, may provide for the execution of any work or the doing of any act which the pancháyat is empowered to execute or to do, and the immediate execution or the doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing or doing the act shall be paid by the pancháyat.

(2) If the expense be not so paid, the Revenue-officer may make an order in writing directing the person having custody of the fund at the disposal of the pancháyat to pay the same in priority to any other charges against such fund [²except charges for the service of authorized loans]. Such person shall so far as the funds to the credit of the pancháyat admit, be bound to comply with such order.

(3) A report of any action taken under this section shall at once be forwarded by such Revenue-officer or other person to the taluk board and to the pancháyat.

Cases of
default.

138. (1) If at any time it appears to the president of the taluk board, that a pancháyat has made default in performing any duty imposed on [³it] by this Act, he may by an order in writing fix a period for the performance of such duty.

¹ See last footnote on preceding page.

² These words were inserted by s. 110 (a) of Mad. Act VI of 1900.

³ This word was substituted for the word "them" by s. 110 (b) of Mad. Act VI of 1900.

(Chap. V.—*Unions and Pancháyats; their Constitution, Powers and Duties.*
Secs. 139-140.)

(2) If the duty is not performed within the period so fixed, such president may appoint some person to perform it and may direct that the expense of performing it shall be paid within such time as he may fix to such person by the pancháyat.

(3) If the expense be not so paid, the president of the taluk board may make an order in writing directing the person having custody of the fund at the disposal of the pancháyat to pay the same in priority to any other charges against such fund [¹except charges for the service of authorized loans]. Such person shall, so far as the funds to the credit of the pancháyat admit, be bound to comply with such order.

Property under the control of the Pancháyat.

139. To enable the pancháyat to carry out the purposes of this Act all public²[roads], drains, tanks, wells and other public places in the union, unless Streets, etc., under control of pancháyat. specially excepted by the * *² taluk board, shall be under the control and direction of the pancháyat, and the taluk board may place under the control and direction of the pancháyat any other property or any institution which is under the control of such taluk board.

Funds at the disposal of the Pancháyat.

140. (1) The proceeds of the house-tax [¹in any union] and of [³any fees] Funds at the disposal of the union; levied by the chairman in [²such union] under section 57, clauses [³(v) and (vi)], shall, subject to the control of the taluk board, be at the disposal of the pancháyat of such union.

(2) Such proceeds, together with any other sums placed at the disposal of how lodged and dealt with. the pancháyat by the taluk board or otherwise received by the pancháyat, shall be lodged in the nearest Government treasury or, with the approval of the taluk board, with some private bank or banker; all orders for payments from such fund shall be signed by the chairman, and when so signed shall be paid by such treasury, bank or banker.

¹ These words were inserted by s. 110 (a) of Mad. Act VI of 1900.

² The word "roads" was substituted for the word "streets", and the words "district or" omitted, by s. 111 of the Madras Local Boards Act Amendment Act, 1900 (Mad. Act VI, of 1900).

³ The words "in any union" were inserted, the words "any fees" and "such union" substituted for the words "the fees" and "any union", and the word and figures "(v) and (vi)" substituted for the word and figures "(ii) and (iv)," by s. 112 of Mad. Act VI of 1900.

(Chap. V.—Unions and Pancháyats ; their Constitution, Powers and Duties.
Secs. 141-143.)

Duties and Responsibilities of Pancháyat.

Matters to be
provided for
by panchá-
yat.

141. The pancháyat shall, in the union under [¹ its] authority, subject to such rules as may from time to time be prescribed by the Governor in Council, and so far as the funds at [² its] disposal will permit, have the control and administration of, and provide for, the following matters, except such matters as the taluk board may from time to time think fit to retain or take under [² its] direct control and administration :—

- ¹[(a) the lighting of the public roads] ;
- (b) cleansing the [¹ public roads], drains, tanks, wells and other public places in the union ;
- ¹[(c) with the sanction of the Governor in Council, the establishment and maintenance of hospitals, dispensaries and schools] ;
- (d) making and repairing the [¹ public roads] and drains in the union ;
- (e) constructing and repairing such tanks and wells and other works as will supply the inhabitants of the union with a sufficient supply of water for domestic use, [¹ and]
- (f) generally doing such things as may be necessary for the preservation of public health.

Institutions
and works
not provided
for in preced-
ing section.

142. The taluk board may at any time, with the consent of any pancháyat, transfer to such pancháyat the management of any institution or the execution of any work not provided for in the preceding section, and it shall thereupon be lawful for such pancháyat to undertake the management of such institution or the execution of such work :

Provided that in every such case the funds necessary for such management or execution shall be placed at the disposal of the pancháyat by the taluk board.

Powers of
chairman.

143. The pancháyat and their chairman shall, subject to the control of the taluk board and of [²its] president, respectively, have and exercise in the union all the powers conferred on the taluk board and [² its] president, respectively, by sections [³ 99, 100, 101] and 117 :

¹ The word " its " was substituted for the word " their," the words "(i) in all unions " and "(ii) in a major union " omitted, the numbering of the clauses altered, and the clauses re-arranged, the words " public roads " substituted for " village streets," the word " and " added at the end of the newly numbered clause "(e) " and two new clauses "(a) " and "(o) " inserted, by s. 113 of Mad. Act VI of 1900.

² The word " its " was substituted for the word " their " and the figures " 99, 100, 101 " for the word and figures " 99 to 101 ", by s. 114 of Mad. Act VI of 1900.

(Chap. V.—Unions and Pancháyats; their Constitution, Powers and Duties.
Secs. 143A-143B. Chap. VI.—Miscellaneous. Sec. 144.)

Provided that all contracts under section 117 shall be made subject to the approval of the pancháyat.

143A. (1) The pancháyat may, by notice, require the owner or occupier of any building which in its opinion is in a filthy or unwholesome state, or of any land which is in such state, or which is overgrown with wild croton, prickly-pear, wattle, lantana or noxious vegetation, to cleanse, clear or otherwise put such building or land in a proper state, within a time to be specified in such notice. Pancháyat may direct clearing or cleaning of filthy buildings and lands.

(2) The pancháyat, or any person generally or specially authorized by it in writing in this behalf, may, by notice addressed to the occupier of any such building, direct all or any part thereof to be internally and externally lime-washed or otherwise cleansed in the manner, and within a time, to be specified in such notice. Pancháyat may require occupier of filthy buildings to lime-wash, etc., the same.

143B. The pancháyat shall maintain in a cleanly condition all wells, tanks and reservoirs, which are not private property, and may fill them up or drain them when it appears necessary so to do: Provided that no such well, tank or reservoir shall be filled up with any material except building debris or clean soil, gravel or sand. Pancháyat to maintain certain wells, etc., in good order.

CHAPTER VI.

MISCELLANEOUS.

144. The Governor in Council may, from time to time, frame forms for any proceeding for which he considers that a form should be provided, and make rules [consistent] with this Act.— Power of Governor in Council to frame form and make rules.

(i) as to the qualifications of electors and of candidates for appointment by election and as to the method and time of election of elective presidents, vice-presidents and members of local boards;

(1a) as to the qualifications of electors and of candidates for appointment as members of a pancháyat by election and the method and time of appointment of members of a pancháyat by election in regard to the following matters :—

(a) the division of the union or a part thereof into wards;

¹ These two sections were inserted by s. 115 of Mad. Act VI of 1903.

² For rules under this section, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, p. 708.

³ The word "consistent" was substituted for the words "not inconsistent," a paragraph added to clause (iii), and a new clause (vii) inserted, by s. 116 of Mad. Act VI of 1900.

- (b) the number of representatives proper for each ward ;
 - (c) the provision, if any, to be made for the special representation of any classes of the community ;
 - (d) the registration of electors ;
 - (e) the nomination of candidates, the time of election and the mode of recording votes ; and
 - (f) any other matters regarding the system of representation and of election :
- (i b) as to the qualifications of members of a pancháyat to be appointed chairmen by election and the method and time of appointment of such chairmen ;
 - (ii) as to the transfer of property, moveable and immoveable, by district boards to taluk boards ;
 - (iii) as to the respective duties and responsibilities and mutual relations of district boards, taluk boards and pancháyats ; [and as to the matters in regard to which, and to what extent, the orders of a taluk board or pancháyat shall be subject to appeal to, or to revision by, the district board or taluk board, as the case may be] ;
 - (iv) as to the matters mentioned in sections 95, 122 and 141 ;
 - (v) as to the formation of committees and the delegation of powers to such committees ;
 - (vi) as to the mode of making contracts and transfers of property by or on behalf of local boards ;
 - [¹(vii) as to the licensing of private vaccinators ;]
 - ²(viii)³ as to the qualifications of the servants of local boards [³and pancháyats] and the pensions, gratuities and compassionate allowances, if any, payable to such servants, [³including proportionate pensions, if any, to servants, of local boards who are appointed to any offices under the Government, payable to such servants on their retirement from the service of the Government in respect of their service as servants of the local board] ;
 - (ix)³ as to the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of local boards,

¹ See the last footnote on preceding page.

² For rules regarding the establishment of provident funds for the benefit of local fund servants, see Fort St. George Gazette, 1898, Pt. IA, p. 93.

³ The original cl. (vii) was renumbered (viii), certain matter was inserted and added to cl. (viii) to renumbered, old cl. (viii) to (xiii) renumbered as (ix) to (xiv), a new cl. (xv) inserted, and the original cl. (xiv) renumbered as cl. (xvi), by s. 116 of the Madras Local Boards Act Amendment Act, 1900 (Mad. Act VI of 1900).

(Chap. VI.—Miscellaneous. Secs. 145-147.)

and as to the authority by which, and the conditions subject to which, such plans and estimates may be sanctioned ;

¹(x) as to the office or offices through which correspondence of, and with, local boards shall pass ;

¹(xi) as to the accounts to be kept, and as to the manner in which such accounts shall be audited and published ;

¹(xii) as to the preparation of estimates of receipts and expenditure, and the authority by whom, and the conditions subject to which, such estimates may be sanctioned ;

¹(xiii) as to the returns, statements and reports to be submitted and the authorities, if any, through whom they are to be submitted ;

¹(xiv) as to the mode in which Government officers are to advise and assist local boards in carrying out the purposes of this Act ; and

¹[(xv) as to the interpellation by members of all or any of the local boards, of the president ;]

¹(xvi) generally for the guidance of local boards, their agents and officers and the officers of Government in all matters connected with the carrying out of this Act.

145. The Governor in Council shall, before making or altering any rules under section 144, publish, in such manner as may, in his opinion, be sufficient for giving information to persons interested, a draft of the proposed rules or alterations, together with a notice specifying a date at or after which such draft will be taken into consideration, and shall, before making the rules, receive and consider any objection or suggestion which may be made in respect of such draft by any person interested before the date so specified.

146. Such rules and all alterations thereof made by the Governor in Council under section 144 shall be published in the local Gazette of the district to which the rules apply in a Vernacular language of the district, and shall not come into operation [unless the Governor in Council shall otherwise direct] until three months after they have been so published.

147. Such rules and forms shall, until they are cancelled or altered, have the force of law :

* * * * *

¹ See last footnote on preceding page.

² These words were inserted by s. 117 of Mad. Act VI of 1900.

³ This proviso was repealed by s. 118 of Mad. Act VI of 1900.

Collector to submit annual estimate of receipts and charges.

148. (1) The Collector of the district shall annually, at such times as the Governor in Council may fix, render to the district board an estimate of the probable gross receipts and charges of collection of the tax to be collected by him under this Act.

(2) The district board shall render to every taluk board within such district an estimate of the sums to be transferred to such taluk board.

Taxes collected payable to district board.

149. The Collector of the district shall from time to time cause to be paid to the district fund the net proceeds of the tax collected under the authority conferred on him by this Act.

Estimate of annual expenditure.

150. (1) Every local board and every pancháyat shall furnish, to such authority as the Governor in Council may direct, an estimate of their probable receipts during the next ensuing [financial year] and * * * of the probable expenditure proposed to be incurred during such year, and of the items in respect of which it is proposed to incur such expenditure, and may also furnish a supplemental statement providing for any modifications which they may deem it advisable to make in the distribution of the amount to be raised and expended in the [financial year] then current for the purposes of this Act.

Governor in Council to pass orders on estimate.

(2) The Governor in Council or any person authorized by him in that behalf may pass such orders as he may think fit upon any such estimate and statement.

(3) Such orders shall be binding upon the local board and the pancháyat, and shall be carried out by them so far as the means at their disposal may permit.

Submission of annual reports.

151. (1) Every local board and every pancháyat shall furnish to such authority as the Governor in Council may direct an annual report of their proceedings and statements in detail of all the works executed and measures carried out by them, and of all sums received and expended by them.

(2) Such annual report [³of a local board] shall be published, in English and in a Vernacular language of the district, in the District Gazette at the cost of the local board concerned.

Government officers to inspect books, etc.

152. (1) All schools and other institutions of an educational character, all hospitals, dispensaries and other institutions maintained by [⁴a] local board and all accounts, books, registers, returns, reports, statements and other documents appertaining thereto, shall at all times be open to the inspection of such

¹ The words "financial year" were substituted for the words "official year" by s. 4 of Mad. Act VI of 1900.

² The words "a statement" were omitted by s. 119 of Mad. Act VI of 1900.

³ These words were inserted by s. 120 of Mad. Act VI of 1900.

⁴ The word "a" was substituted for the word "the" by s. 121 of Mad. Act VI of 1900.

officers of Government as the Governor in Council may from time to time appoint in that behalf.

(2) The Governor in Council may from time to time appoint such officers as may be required for the purpose of inspecting and superintending the operations of local boards and pancháyats, [or of any particular local board or boards and pancháyat or pancháyats] and also such secretaries, clerks and other servants, as may be necessary for the exercise of the powers vested in him by this Act, and may assign to them such salaries, if any, as he shall think reasonable; and the expense incurred by reason of such appointment shall be defrayed in rateable proportions out of the local funds [¹concerned].

²152A. (1) The district board may, from time to time, with the sanction of the Governor in Council, make bye laws and cancel or alter the same—

(i) for the general or special regulation or control of markets, slaughter-houses, cart-stands, burial and burning grounds and offensive trades and all matters connected with conservancy;

(ii) for regulating the use of public roads and the traffic thereon and for securing cleanliness, safety and order in respect of the same; and

(iii) for carrying out all the purposes of this Act,

and may affix fines and penalties for the infringement of such bye-laws.

(2) No bye-law shall be repugnant to any law in force, and no fine for any one infringement of a bye-law shall exceed rupees fifty and in case of a continuing infringement no fine shall exceed rupees ten for every day, after notice from the taluk board, of such infringement.

(3) No bye-law or cancelment or alteration of a bye-law shall have effect until the same has been approved and confirmed by the Governor in Council.

(4) All bye-laws when they have been duly confirmed shall have the force of law.

153 Whenever any land is required for the purposes of this Act, the Governor in Council may, at the request of the local board, proceed to acquire it under the provisions of the Land Acquisition Act, [³ 1894]; and, on payment by such board of the compensation to be awarded under that Act, the land shall vest in such board.

154. [*Arrears of taxes under Act IV, 1871.*] Rep. by s. 124 of Mad. Act VI of 1900.

¹ These words were inserted by s. 121 of Mad. Act VI of 1900.

² This section was inserted by s. 122 of Mad. Act VI of 1900.

³ The reference to the Land Acquisition Act of 1870 was altered to that of 1894 by s. 123 of Mad. Act VI of 1900.

Assessment,
etc., not to be
impeached if
Act substan-
tially
complied
with.

155. ¹(1) No assessment or demand made, and no charge imposed, under the authority of this Act, shall be impeached or affected by reason of any clerical error or of any mistake (a) in respect of the name, residence, place of business or occupation of any person, or (b) in the description of any property or thing, or (c) in respect of the amount assessed, demanded or charged : Provided that the provisions of this Act have been, in substance and effect, complied with. And no proceedings under this Act shall, for defect in form, be quashed or set aside in any court of justice.

No suit for
recovery
of sums
collected.

¹(2) No suit shall be brought in any court to recover any sum of money collected under the authority of this Act or to recover damages on account of any assessment or collection of money made under the said authority : Provided that the provisions of this Act have been, in substance and effect, complied with.]

Distress-
notices
lawful for
want of
form.

(3) No [distraint] or sale under this Act shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any error or defect or want of form in the [bill, notice, schedule, form, summons,] notice of demand, warrant of [¹ distraint], inventory or other proceeding relating thereto ; nor shall such person be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him :

Special
damage
actionable.

Provided that every person aggrieved by such irregularity may recover satisfaction for any special damage sustained by him.

Penalty for
obstructing
distrainer
in his duties.

²(4) Whoever obstructs any person in the performance of his duties as a distrainer under this Act, shall, on conviction before a Magistrate, be liable to a fine not exceeding rupees fifty.

No action to
be brought
against local
board or
panchayat,
&c., without
one month's
notice.

³**156.** (1) No action shall be brought against any local board or panchayat or against any member or servant of such board or panchayat or against any person acting under the directions of such local board or panchayat or of a member or servant of such board or panchayat, on account of any act done, or purporting to be done, in pursuance or execution or intended execution of this Act, or in respect of any alleged neglect or default in the execution of this Act, until the expiration of one month next after notice in writing shall have been delivered or left either at the office of the local board or panchayat or at the place of abode of such member or servant or of such person, explicitly stating the cause of action, the nature of the relief

¹ These two sub-sections were substituted for the original sub ss. (1) and (2), the word "distraint" substituted for the word "distress" and certain words inserted in sub-s. (3), by s. 125 of Mad. Act VI of 1900.

² Sub-s.(4) was inserted by s. 125 of Mad. Act VI of 1900.

³ This section was substituted for the original s. 156 by s. 126 of Mad. Act VI of 1900.

sought, the amount of compensation claimed and the name and place of abode of the intended plaintiff; and, unless such notice be proved to have been so delivered or left, the Court shall find for the defendant.

(2) If the local board or pancháyat, member or servant or other person to whom notice is given as provided in sub-section (1) shall, before action is commenced, tender sufficient amends to the plaintiff, such plaintiff shall not recover more than the amount so tendered. The plaintiff shall also pay all costs incurred by the defendant after such tender.

If tender of compensation made, award to be limited.

(3) No action such as is described in sub-section (1) shall, unless it is an action for the recovery of immoveable property or for a declaration of title thereto, be commenced otherwise than within six months next after the accrual of the cause of action.

Action to be commenced within six months.

(4) No action shall be brought against the president of a local board or chairman of a pancháyat on account of any act done in pursuance or execution or intended execution of this Act, or in respect of any alleged default on his part in the execution of this Act, if such act was done or if such default was made in good faith; but any such action shall, so far as it is maintainable in a Court, be brought against the local board, except when brought by the local board or the Secretary of State for India in Council under section 157 on account of anything done by the president or chairman himself.

Action not to be brought against the president or chairman.

157. Every member of a local board and every pancháyatdár shall be liable for the loss, waste or misapplication of any money or other property belonging to the local board or pancháyat if such loss, waste or misapplication is a direct consequence of his neglect or misconduct; and a suit for compensation may be instituted against him in any Court of competent jurisdiction by the local board or by the Secretary of State for India in Council.

Liability of members for loss, waste or misapplication.

158. (1) If any member or servant of a local board or of a pancháyat is, otherwise than with the permission in writing of the Collector of the district, directly or indirectly interested in any contract made with such board, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code¹.

Penalty on member or servant being interested in contracts made with board.

(2) No person shall by reason of being a shareholder in, or a member of, any * * * *² company be held to be interested in any contract entered into between such company and [the] local board [unless he is a director of such company].

¹ Printed, General Acts, Vol., p. 240.

² The words "incorporated or registered" were repealed, the word "the" substituted for the word "a" and certain words added to sub-s. (2) of s. 153, by s. 127 of Mad. Act VI of 1900.

Delegation
of powers of
Collector.

159. The Governor in Council may, by notification, from time to time, authorize any person to exercise any of the powers conferred on the Collector by this Act, and may at any time in like manner modify or cancel such authority.

Delegation of
powers of
Governor in
Council.

160. The Governor in Council may, by notification, from time to time authorize any person to exercise any of the powers vested in him by this Act, save and except those mentioned in Chapter I of this Act, and may at any time in like manner modify or cancel such authority.

Publication
of notifica-
tions in the
District
Gazette.

161. Every notification under this Act shall be published in the official Gazette of the district to which such notification applies, both in English and in a Vernacular language of the district :

Provided that every notification issued by the Governor in Council shall be published in English in the Fort St. George Gazette.

Acts of local
board, etc.,
not to be
invalidated
by informa-
lities.

162. No act of a local board, or of any committee, or of any pancháyat, or of any person acting as a president, vice-president, chairman or member, shall be deemed to be invalid by reason only of some defect in the establishment of such local board, committee or pancháyat, or on the ground that any member of such board, committee or pancháyat was disqualified for such office, or by reason of such act having been done during the period of any vacancy in the office of president, chairman, vice-president or member of such board or pancháyat.

Consequen-
ces of failure
to obtain
license, etc.,
or of breach
of same.

162A. If under this Act the license or written permission of a local board or its president is necessary for the doing of any act in respect of any property, moveable or immoveable, public or private, and if such act is done (a) without such license or permission, or (b) in a manner inconsistent with the terms of such license or permission, then—

(i) the local board may, by notice, require the person doing such act to alter, remove or, as far as practicable, restore to its original state the whole or any part of such property within a time to be specified in such notice ; and, further,

(ii) if no penalty has been specially provided in this Act for doing such act the person so doing it shall be liable, on conviction before a Magistrate, to a fine not exceeding fifty rupees for every such offence.

Failure to
comply with
notice.

162B. (1) If a notice has been given under the provisions of this Act to any person requiring him to execute any work in respect of any property,

¹ Ss. 162A to 162D, inclusive, were inserted by s 128 of the Madras Local Boards Act Amendment Act, 1900 (Mad. Act VI of 1900).

moveable or immoveable, public or private, or to provide or do or refrain from doing anything within a time specified in the notice, and if such person fails to comply with such notice, then—

- (i) the local board or the pancháyat, as the case may be, may cause such work to be executed or such thing to be provided or done, and may recover all reasonable expenses incurred by it on such account from the said person ; and, further,
- (ii) if no penalty has been specially provided in this Act for failure to comply with such notice, the said person shall be liable, on conviction before a Magistrate, to a fine not exceeding twenty rupees for every such offence.

(2) The taluk board or pancháyat, as the case may be, in causing, under sub-section (1), any work to be executed or anything to be provided or done, may utilize any materials found on the property concerned or may sell them and apply the sale-proceeds towards the payment of the expenses incurred by it on this account.

¹ 162C. Where by this Act, or by any order or notice issued thereunder, General the public or any person is required to do or to refrain from doing anything, penal clause. any person who fails to comply with such requisition shall, if no penalty has been specially provided in this Act for such failure, be liable, on conviction before a Magistrate, to a fine not exceeding fifty rupees for every such failure.

¹ 162D. (1) In all cases where any costs, damages, charges or expenses Damages are by this Act directed to be paid, or a local board or pancháyat is by this and expenses Act empowered to recover any costs, damages, charges or expenses, the how to be amount or apportionment thereof shall, in case of dispute, be ascertained and determined. determined. and determined by a first or second class Magistrate.

(2) In any case referred to a Magistrate under this section, the Magistrate shall, on the application of either party, summon the other party to appear Method of proceeding before him at a time and place to be named in the summons. before a Magistrate.

(3) Upon the appearance of the parties, or, in the absence of any of them, upon proof of due service of the summons, the Magistrate may hear and determine the question, and, for that purpose, may examine such parties or any of them and their witnesses on oath or affirmation.

(4) In every such inquiry the Magistrate shall determine the amount of the costs thereof and shall direct by which of the parties they shall be paid.

Service of
notices

163. (1) Every [bill, form or notice] regarding any valuation, measurement, assessment, tax or any money due in respect of the same or under this Act shall, if practicable, be presented to, or served personally upon, the person to whom the same is addressed, or, if he cannot be found, may be left at his usual or last known place of abode or business with some [adult male member] of his family, servant or agent, or may be sent by registered letter, or may be put upon some conspicuous part of his usual or last known place of abode or business, and shall thereby be deemed to have been duly presented or served.

(2) If the place of abode or business of the owner of any building or land in respect of which a tax is assessed or due, or in respect of which any work has to be executed, is unknown, or if the owner of any building is not resident within the limits of the district, every such [bill, form or notice] shall be deemed to be duly presented or served if delivered to any [adult male occupier] or put upon some conspicuous part of the building or land in respect of which the tax is assessed or due, or in respect of which such work has to be executed.

(3) Every such [bill, form or notice] sent to a person by registered post shall be addressed to his usual or last known place of abode or business and when so sent shall, unless and until the contrary be proved, be held to have been duly served.

Entry into
zanāna.

164 If any woman, who, according to the customs of the country, does not appear in public, is in the actual occupation of any building or part thereof into which any person, duly authorized in that behalf, has to enter for the purposes of this Act, such person shall inform such woman that she is at liberty to withdraw, and shall, after allowing reasonable time for such woman to withdraw, and giving her every reasonable facility to withdraw, enter such building or part thereof, using at the same time every precaution, consistent with these provisions, to prevent, when necessary, the clandestine removal of property.

Illegal collection of taxes or tolls.

165. Whoever—

- (i) not being a person appointed or duly authorized to collect any tax, toll, fee or other sum payable under this Act shall levy or demand any such tax, toll, fee or other sum, or
- (ii) shall lawfully demand or take any other or higher tax, toll, fee or other sum than the lawful tax, toll, fee or other sum, or,
- (iii) under colour of this Act, shall seize or sell any property knowing such seizure and sale to be unlawful, or,

¹ These words were substituted for the original words by s. 129 of Mad. Act VI of 1900.

(iv) being entitled to recover from any person any portion of the tax paid by himself under this Act, shall demand or claim any higher portion than he is entitled to recover, or

(v) shall in any manner unlawfully extort money or any valuable thing from any person under colour of this Act,

shall be deemed to have committed the offence of cheating or extortion, as

XLVof 1860. the case may be, within the meaning of the Indian Penal Code.¹

166. [²In case any fine, compensation, penalty or costs imposed or assessed by a Magistrate under or by virtue of this Act or of any bye-law made in pursuance thereof] shall not be forthwith paid, the Magistrate may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to the warrant of distress, unless the offender shall give security to the satisfaction of the Magistrate for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

Offender may be detained in custody, or compelled to give security, if fine, etc., be not forthwith paid.

³ 166A. If, upon the return of [³any warrant of distress under this Act] it shall appear that no sufficient distress can be had whereon to levy such fine [or sum of money] and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of the Magistrate by the admission of the offender, or otherwise, that he has not sufficient property whereupon such fine or sum of money could be levied if a warrant of distress were issued, the Magistrate may, by warrant under his hand, commit the offender to prison, there to be simply imprisoned, according to the discretion of the Magistrate, for any term not exceeding one calendar month when the amount of fine [³or sum of money] shall not exceed fifty rupees, and for any term not exceeding two calendar months when the amount shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case; the commitment to be determinable in each of the cases aforesaid on payment of the amount.

If no sufficient distress can be had the offender may be imprisoned.

* * * * *

167. Notwithstanding anything hereinbefore contained, the district board of any district having authority over any part of such district where there is no taluk board and the president of such district board shall have the rights and exercise the powers and perform the duties of a taluk board and of the president thereof, respectively, in such part of the district.

District board's powers in the absence of taluk board.

¹ Printed, General Acts, Vol. I, p. 240.

² These words were substituted for the words "Whenever any fine imposed under or by virtue of this Act" by s. 130 of Mad. Act VI of 1900.

³ The original sub-s. (2) of s. 166 was converted into s. 166A, the words in the first line substituted for the words "such warrant," and the words "or sum of money" inserted, by s. 130 of Mad. Act VI of 1900.

⁴ Sub-s. (3) was omitted by s. 180 of Mad. Act VI of 1900 at the same time that sub-s. (2) of s. 166 became s. 166A.

(Schs. A and B.)

¹ SCHEDULE A.

(Section 57.)

MAXIMUM RATES OF THE TAX ON HOUSES.

								Per annum.		
								RS.	A.	P.
On every house classed in the 1st class	.	.	.	.	.	.	.	10	0	0
„ „ 2nd	„	.	.	.	.	.	.	7	0	0
„ „ 3rd	„	.	.	.	.	.	.	5	0	0
„ „ 4th	„	.	.	.	.	.	.	4	0	0
„ „ 5th	„	.	.	.	.	.	.	3	0	0
„ „ 6th	„	.	.	.	.	.	.	2	0	0
„ „ 7th	„	.	.	.	.	.	.	1	0	0
„ „ 8th	„	.	.	.	.	.	.	0	8	0
„ „ 9th	„	.	.	.	.	.	.	0	4	0

¹ SCHEDULE B.

(Section 57.)

MAXIMUM RATES OF TOLLS PAYABLE ON CARRIAGES, CARTS AND ANIMALS
PASSING ALONG ROADS WITHIN THE DISTRICT.

								RS.	A.	P.
On every four-wheeled vehicle with springs	.	.	.	.	.	.	.	0	8	0
On every jatka, hackery or cart laden	.	.	.	.	.	.	.	0	4	0
On every jatka, hackery or cart not laden, and every bicycle or tricycle	.	.	.	.	.	.	.	0	2	0
On every other vehicle with springs and every palanquin	.	.	.	.	.	.	.	0	4	0
On every buffalo, bull, bullock, cow or ass, laden or ridden, and on every horse under thirteen hands	.	.	.	.	.	.	.	0	1	0
On every horse not under thirteen hands	.	.	.	.	.	.	.	0	2	0
On every elephant	.	.	.	.	.	.	.	1	0	0
On every camel	.	.	.	.	.	.	.	0	4	0

Explanation (1).—“Laden.” An animal is not said to be laden when it is merely accounted for the purpose of being laden or ridden.

Explanation (2).—“Tolls” are leviable upon vehicles at the above rates irrespective of the means of traction employed, and the payment of a toll in respect of any vehicle covers the animals engaged in drawing it.

¹ Schs. A and B were substituted for the original schedules by ss. 131 and 132, respectively of Mad. Act VI of 1900.

SCHEDULE C.

(Section 81.)

NOTICE OF DEMAND.

Take notice that the Chairman of the Union Pancháyat demands from you the sum of due from you to the Pancháyat of for your house in for the year 18 , and that if the sum due is not paid into the office of at or if sufficient cause for the non-payment is not shown to him or to within [¹ fifteen] days from the service of this notice, a Warrant of Distress will be issued for the recovery of the same with costs.

*Date**(Signature of the Assessor.)*

2 SCHEDULE D.

(Section 81A.)

DISTRRAINT-WARRANT.

To

(Here insert the name of the officer charged with the execution of the Warrant.)

WHEREAS of has not paid or shown sufficient cause for the non-payment of the sum of rupees due for the taxes mentioned in the margin for the 19 , although the said sum has been duly demanded from the said and fifteen days have elapsed since such demand was made. This is to command you to distrain the goods and chattels of the said (or, as the case may be, any goods and chattels found on the premises referred to) to the amount of the said sum of rupees, together with for warrant-fee and distrainment-fee, making together a sum of , and such further sum as may be sufficient to defray the charges of taking, keeping and selling such distrainment; and if, within fifteen days next after such distrainment, the amount due on account of the said taxes and fees shall not be paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distrainment to sell the said goods and chattels; and having paid and deducted out of the proceeds of the sale the amount due on account of the said taxes and fees rupees and the charges of taking, keeping and selling such distrainment, to return

¹ The word "fifteen" was substituted for the word "seven" by s. 133 of Mad. Act VI of 1900.

² For the insertion of Sch. D, see please s. 68 of Mad. Act VI of 1900.

the surplus, if any, on demand, to the person whom you found in possession of the said goods and chattels. If sufficient distraint cannot be found of the goods and chattels of the said _____, you are to certify the same to me together with this warrant.

(L.S.)

(Signature or Stamp of the Chairman of the Panchdyat)

Date _____

ACT No. VI OF 1884.¹

[31st March, 1884; 28th August, 1884.]

An Act to provide for the Conservancy of Rivers in the Madras Presidency.

Preamble. WHEREAS it is expedient to make provision for the conservancy of rivers in the Presidency of Madras; It is hereby enacted as follows:—

1. This Act may be cited as the Madras Rivers Conservancy Act, 1884.

Notification as to the conservancy of rivers as provided by this Act.

2. The Governor in Council may from time to time declare, by notification in the Fort St. George Gazette² and in the Gazette of every district in which any part of the river is situated, that the conservancy of any specified river requires to be provided for in manner prescribed by this Act.

Power to direct survey of rivers.

² 3. The Governor in Council may at the same time direct that a survey be made of such river for the purpose of determining the limits within which this Act is to be applied, and that proper charts and registers be prepared setting forth the channel and all boundaries and land-marks and all other matters necessary for the purpose of ascertaining such limits.

Powers of surveying officers to enter upon and survey lands.
Duties of survey.

4. All persons authorised to make a survey under section 3 shall have the like powers to enter upon land and to do all acts necessary for the survey as are given in sections 4 and 5 of the Land Acquisition Act, 1870,³ X of 1870. and subject to the provisos therein contained.

5. It shall be the duty of the surveyor appointed to make a survey of any river to note upon the charts thereof all cultivation existing or ordinarily carried on, and all groynes, buildings, plantations, constructions or obstructions

¹ For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 5th July, 1881, p. 4; for Report of the Select Committee, see *ibid* dated 4th December, 1883, p. 1; for Proceedings in Council, see *ibid*, Supplement dated 13th September, 1881, p. 9; *ibid*, Supplement dated 3rd July, 1883, p. 26; *ibid*, 25th March 1884, p. 1.

² For notifications under these sections, see Madras List of Local Rules and Orders Ed. 1898, Vol. II, p. 711.

³ See now the Land Acquisition Act, 1894 (I of 1894), General Acts, Vol. VI.

(Secs. 6-8.)

within the surveyed limits of the said river and to prepare a register to be styled the survey-register, containing the above particulars. The surveyor shall also mark upon the charts the ordinary channel as it exists at the date of the survey so far as it can be ascertained.

Survey-register.

16. For the purpose of carrying out this Act in respect of any river, the Governor in Council may appoint as many officers as may be deemed necessary, to be styled Conservators of Rivers, and may from time to time define, by order to be notified in the Gazettes of the districts in which any part of such river is situated, the limits of their several jurisdictions.

Power to appoint Conservators of Rivers, and indicate their jurisdictions.

Such officers shall be liable to removal by order of the Governor in Council.

When notification declaring Act applicable to rivers may be published.

7. The charts prepared, as is provided in section 3, shall, when completed, be exhibited for public information at the kachahris of all districts in which any part of the river so surveyed is situated, for a period of not less than ninety days. Any person or persons who may desire to raise objections to the boundaries or land-marks set forth in such charts shall be at liberty, during such period, to forward a statement in writing setting forth his or their objections to the Collector of the district in which the boundaries objected to are situated. At the expiry of such period, the Collector shall forward the said charts, with such statement of objections (if any) and his remarks thereon, to the Governor in Council, who shall then take the same into consideration, and may order such alteration in the said charts, or pass such other order thereon, as to him may seem fit, previous to final approval of the said charts. On such final approval, the Governor in Council may, by notification in the Fort St. George Gazette and in the Gazette of every district in which any part of the river is situated, declare that the provisions of this Act shall apply² to the said river within the boundaries and limits prescribed in the said charts.

River-bed defined.

The land within the limits so defined and approved by the Governor in Council shall be deemed to be the river-bed, and the limits shall, when necessary, be defined by boundary-stones or other suitable marks to be set up

8 When the survey-register affecting any portion of a river is completed, it shall be handed over with the charts to the Conservator of Rivers within whose jurisdiction the said portion is situated, and shall form part of the records of his office.

Custody of survey-register.

The Conservator shall thereupon furnish to the Collectors of the districts in which any part of such river is situated certified copies of the survey-register and charts.

¹ For notifications under this section, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, p. 711.

² The provisions of this Act have been applied to the rivers Kistna and Godavary,—see Fort St. George Gazette, 1894, Pt. I, p. 701, and *ibid*, 1897, Pt. I, p. 1579.

(Secs. 9-12.)

Charts of rivers where to be deposited for public inspection.

Power to alter limits of rivers.

New cultivation on land in bed of notified rivers prohibited.

Penalty.

Power to prohibit cultivation.

Penalty.

9. Copies of all charts and registers prepared as provided in section 5, as finally approved, shall be deposited in the office of the Collector of the district in which any part of the river so defined is situated, and shall be open to the inspection of the public at all reasonable times.

10. The Governor in Council may from time to time, by notification in the Fort St. George Gazette and in the Gazette of every district in which any part of the river is situated, alter, extend or restrict the limits of any such river-bed, and the altered limits shall be marked in the charts and defined in manner prescribed in section 7 :

Provided that no such alteration shall be made until full particulars thereof shall have been publicly exhibited and any objections made thereto disposed of by the Governor in Council as provided for in the said section.

11.¹ After such surveys shall have been completed and approved and the notification as provided by this Act made by the Governor in Council, land within the limits of a river-bed, as defined in section 7, which has not been cultivated for two years previous to the date on which this Act is applied to the river, shall not, without the previous permission of the Conservator of Rivers in writing, be planted, cultivated or built upon, and it shall not be lawful without such permission to plant, cultivate or build upon, within the limit of a river-bed, any new formation of land.

Whoever commences or carries on, or attempts to carry on, any plantation, cultivation or construction in contravention of this section and of a notice from the Conservator to desist shall, on conviction before a Magistrate, be liable to a fine not exceeding rupees five hundred, or, in default of payment, to simple imprisonment not exceeding three months for every such offence.

12. The Conservator of Rivers may, with the previous sanction of the Collector of the district, by an order in writing, require any owner or occupier of land usually cultivated, or cultivated with permission under section 11, within such river-bed, to abstain from cultivating such land [²should it appear that such cultivation will tend to obstruct or divert the course of the river]; and it shall be the duty of such owner or occupier to act in obedience to such order.

Whoever fails to comply with any order made by the Conservator of Rivers under this section shall, on conviction before a Magistrate, be liable to

¹ This section was substituted for the original section by Mad. Act II of 1885, s. 1, *infra*, p. 783.

² These words were inserted by Mad. Act II of 1885, s. 2.

(Secs. 13-14.)

a fine not exceeding rupees five hundred, or, in default of payment, to simple imprisonment not exceeding three months for every such offence.

13. (1) Upon a survey being completed and the notification made as provided by this Act, any person intending to make or remove or extend any groyne, building or construction of any kind, or plantation, grasses or trees, within such river-bed shall, one month before beginning so to make, remove or extend, make an application in writing to the Conservator of Rivers for license to make or remove or extend such groyne, building, construction, plantation, grasses or trees.

Construc-
tions,
plantations,
etc., within
river-bed
without
permission
prohibited.

(2) The Conservator of Rivers shall, within one month after receiving such application, pass such orders in writing thereon as he may deem fit.

(3) If the Conservator of Rivers does not pass orders in writing within one month after receiving such application, the applicant may proceed to make, remove or extend such groyne, building, construction, plantation, grasses or trees in compliance with the terms of such application.

(4) An appeal from any order passed by the Conservator of Rivers under clause (2) of this section shall lie to the Collector of the district if the same be preferred within sixty days from the date of the receipt of such order.

(5) The appeal shall be in writing and shall set forth concisely the grounds of objection to the decision of the Conservator of Rivers, and shall be heard and disposed of by the Collector of the district.

(6) Whoever does any act prohibited by this section shall be liable on conviction before a Magistrate to a fine not exceeding rupees one thousand, or, in default of payment, to simple imprisonment for a period not exceeding six months for every such offence.

Penalty.

14. The Conservator of Rivers may, with the previous sanction of the Collector of the district, by an order in writing, require the owner or occupier of any land within any such river-bed to remove any groynes, buildings, constructions, plantations, grasses, trees or other thing upon such land which the said Conservator may deem to be an obstruction to the course of the stream of such river; and it shall be the duty of such owner or occupier to act in compliance with such order within a time to be mentioned in such order:

Power to di-
rect removal
of construc-
tions, planta-
tions, etc.

Provided that, in the case of the removal of any building being so ordered, it shall be open to the owner or other person in charge thereof to appeal, through the Collector of the district, against such order to the Governor in Council within sixty days from the date of the receipt of such order; and in such case the order shall remain in abeyance until such appeal shall have been decided by the Governor in Council.

Notice of every appeal under this section, together with a copy of the petition of appeal, shall be sent by the appellant to the Conservator of Rivers at the time the appeal is sent to the Collector.

Penalty.

Whoever fails to comply with any order issued by the Conservator of Rivers under this section shall be liable, on conviction before a Magistrate, to a fine not exceeding rupees one thousand, or, in default of payment, to simple imprisonment for a period not exceeding six months for every such offence.

Particulars to be set forth in permits, and copies to be furnished to Collector.

15. The writings prescribed in sections 11 and 13, clause (2), shall define and describe the kind and extent of the cultivation and the nature of the works or things authorized to be made or done, and it shall be the duty of the Conservator of Rivers from time to time to record or cause to be recorded the particulars contained in such writings in the survey-register," and in the certified copies thereof in the possession of the Collector.

The Conservator of Rivers shall also furnish the Collector of the district with copies of all orders made by him under sections 12 and 14.

Compensation to owner or occupier of land within river-bed for constructions removed.

16. Whenever, under sections 11, 12, 13 or 14, the Conservator of Rivers refuses the owner or occupier of any land permission to plant, cultivate or build on any land, or requires him to remove any groynes, buildings, constructions, plantations, grasses, trees or other obstructions or works existing at the time of the survey, or subsequently authorized by the Conservator of Rivers, such owner or occupier shall be entitled to compensation for any damages sustained by him by reason of such requirement or refusal of permission.

Power to Conservators to do acts necessary to prevent danger to life or property.

17. The Conservator of Rivers may do any acts in connection with any river to which this Act has been applied which may appear to him to be necessary to prevent erosion or breach of embankments, encroachments by the stream or danger to life or property, and for such purpose he may alter the course of any such stream :

Compensation for damage sustained by such acts.

Provided that compensation shall be made to any person who shall sustain any damage by reason of any act authorized by this section.

The Conservator shall furnish the Collector of the district with a report of every act done by him under this section.

Delegation of powers conferred on Conservator of Rivers to his subordinates.

18. All or any of the powers conferred upon the Conservator of Rivers by the preceding section may be exercised by such of his subordinates as may be nominated by him :

Provided such nomination be notified in the Gazettes of the district in which any part of the river is situated.

¹ This section was substituted for the original section by Mad. Act II of 1885, s. 3. *infra*, p. 784.

(Secs. 19-24.)

XLV of
1860.

19. Any person who obstructs the Conservator of Rivers in doing any act authorized by this Act shall be deemed to have committed the offence described in section 186 of the Indian Penal Code.¹

Penalty for
obstructing
Conservators.

20. Conservators of Rivers under this Act shall be deemed and taken to be officers in charge of rivers within the meaning of Act I of 1858 (*An Act to make lawful compulsory labour for the prevention of mischief by inundation, etc.*).

Conservators
to be deemed
officers in
charge of
rivers under
Act I of
1858.

21. Whenever the Conservator of Rivers, in accordance with the provisions of this Act, requires the owner or occupier of any land to do any act or to remove any obstruction, and such owner or occupier fails to do what he is required to, do within a reasonable specified time, such Conservator may cause such act to be done or obstruction to be removed and charge the expense of such act or removal to such owner or occupier.

Power to
Conservator
to cause
removal of
obstruction,
etc., in case
of default.

The expense so incurred by the Conservator of Rivers shall be certified by him to the Collector of the district, who shall recover the same from such owner or occupier in the manner provided by law for the recovery of arrears of land-revenue.

Recovery of
expenses of
such removal.

22. The Governor in Council may from time to time make, and when made, alter, add to and repeal, rules not inconsistent with this Act for the prevention of any injury to works constructed upon all rivers or upon any river to which this Act may be applied, and for the prevention of acts or omissions likely to affect injuriously the conservancy of such rivers or river:

Power to
make rules.

Provided that no penalty for any one infringement of any such rules shall exceed rupees fifty.

All rules made under this section shall be published in three successive issues of the Fort St. George Gazette and of the Gazettes of every district in the Presidency in which any part of the river is situated to which such rules relate, and shall not come into operation until one month after such publication.

XLV of
1860.

23. All Conservators of Rivers, surveyors and subordinates duly authorized under section 18 of this Act shall be deemed to be public servants within the meaning of the Indian Penal Code.¹

Conservators,
etc., to be
public
servants.

V of 1898.

24. All fines imposed by this Act may be recovered in the manner provided in the Code of Criminal Procedure.²

Fines to be
recovered
under the
Code of
Criminal
Procedure.¹ Printed, General Acts, Vol. I, p. 240.² See now Act V of 1898, General Acts, Vol. VI.

Period of
limitation
for suits
against
Conservators,
etc.

25. No suit shall be brought against any Conservator, surveyor or subordinate, or any person acting under his direction, for anything done or intended to be done under this Act until after the expiration of three months next after notice in writing shall have been delivered or left at the office of such Conservator, surveyor, subordinate or person, or at his place of abode, explicitly stating the cause of action and the name and place of abode of the intended plaintiff and of his agent in the cause, if any, and upon the trial of such suit the plaintiff shall not be permitted to go into evidence of any cause of action except such as is stated in the notice so delivered, and, unless such notice be proved, the Court shall find for the defendant; and every such suit shall be commenced within six months next after the accrual of the cause of action.

No evidence
of cause of
action except
of that stated
in notice.

Tender of
amends.

If any person to whom any such notice of suit is given shall, before suit brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover more than the amount so tendered, and shall pay all costs incurred by the defendant after such tender.

Payment
into Court.

It shall be lawful for the defendant, before issue joined, by leave of the Court in which any suit is pending, to pay into Court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

Easements
Act not
affected.

26. Nothing contained in this Act shall be deemed to affect the provisions of the Indian Easements Act (Act V of 1882).¹

ACT No. VII of 1884.²

[3rd November, 1884; 6th December, 1884.]

An Act to amend Act I of 1884 (the City of Madras Municipal Act).

Repeal of
certain
portions of
the Act.

WHEREAS it is expedient to amend the City of Madras Municipal Act 1883 (No. 1 of 1884); It is hereby enacted as follows:—

1. The following portions of the said Act shall be repealed:—
 - in section 3, clauses (e) and (u);
 - in section 98, clause (11);
 - sections 185 to 189, inclusive;
 - schedule F attached to the said Act.

¹ Printed, *supra*, p. 161.

² Short title, "The Madras City Municipal (Amendment) Act, 1884"—see the Repealing and Amending Act, 1901 (XI of 1901).

For Statement of Objects and Reasons, see Fort St. George Gazette, Extraordinary dated 8th August, 1884; for Report of the Select Committee, see *ibid* dated 7th October, 1884, p. 1; for Proceedings in Council, see *ibid* dated 26th August, 1884, p. 5; *ibid* dated 4th November, 1884, p. 1.

The Act came into force on 20th December, 1884—see Fort St. George Gazette, Extraordinary of that date.

(Secs. 2-15.)

2. In section 3, for clause (d) the following shall be substituted :—

[*Vide supra*, p. 422.]

Amendment
of section 3 of
the said Act.
Amendment
of section
33.

3. In section 33 (c), clause (2), after the words “ of the poor ” the following words shall be added (namely) :—

“ including the training of teachers. ”

4. In section 36, paragraph 2, for the word “ hold ” the word “ fill ” shall be substituted.

Amendment
of section
36.

5 to 9. [*Amendment of sections 38, 39, 68, 84 and 85, Madras Act I of 1884.*] *Rep. by Mad. Act II of 1892, s. 2, infra, p. 922.*

10. In section 86, for the words “ December in every year ” the words “ March or such other month in every year as may, by notification in the Fort St. George Gazette, hereafter be fixed by the Governor in Council,” shall be substituted.

Amendment
of section
86.

11. In section 88, for the word “ December ” the words “ March or such other date as may, by notification in the Fort St. George Gazette, hereafter be fixed by the Governor in Council,” shall be substituted.

Amendment
of section
88.

12. In section 91, paragraph 1, for the words “ first day of January in ” the words “ expiration of ” shall be substituted, and the word “ previous ” shall be omitted; and in the last paragraph of the same section, after the word “ submitted ” (line three) the words “ to the Governor in Council ” shall be inserted, and for the words “ 31st August in every year to the Governor in Council ” the words “ last day of November, or such other date in every year as may, by notification in the Fort St. George Gazette, hereafter be fixed by the Governor in Council,” shall be substituted.

Amendment
of section
91.

13. In section 92, for the words “ 31st day of December in every year ” the words “ last day of March or such other date in every year as may, by notification in the Fort St. George Gazette, hereafter be fixed by the Governor in Council ” shall be substituted.

Amendment
of section 92.

14. In section 95, for the words “ 31st day of March in every year ” the words “ last day of June or such other date in every year as may, by notification in the Fort St. George Gazette, hereafter be fixed by the Governor in Council,” shall be substituted.

Amendment
of section 95.

15. In section 99, the following words shall be added as clause 2 (namely):—

Addition to
section 99.

“ If the commissioners determine to levy a tax on places used for the retail sale of spirituous and intoxicating liquors, the Governor in Council may, by notification in the Fort St. George Gazette, withhold his sanction to the levy of such tax or any part thereof, and shall in such case assign to the commissioners in lieu thereof a sum equal to the average amount realized by such tax or part thereof during the last three years in which it was levied prior to the notification withholding sanction for such tax or part thereof.”

Amendment
of section
138.

16. In section 138, after the words "populous parts of the city" the words "and upon all other buildings and lands which are within one hundred and fifty yards of a stand-pipe, fountain, reservoir or pump of drinking-water supplied by the commissioners" shall be inserted; and in the same section for the words "in other parts of the city" the word "elsewhere" shall be substituted.

Amendment
of section
146.

17. In section 146, after the words "water-tax" the words "or any sum due under section 141 or 213," shall be inserted.

Amendment
of section
190.

18. In section 190, after the word "fifteen" the word "and" shall be inserted, and the words "and one hundred and eighty-eight" shall be omitted.

Amendment
of section
191.

19. In section 191, after the word "fourteen" the word "or" shall be inserted, and the words "or one hundred and eighty-five" shall be omitted; and after the word "six" the word "or" shall be inserted, and the words "or one hundred and eighty-eight" shall be omitted.

Amendment
of section
197.

20. In section 197, paragraph 2, after the words "fifty-three" the word "or" shall be inserted, and the words "or one hundred and eighty-five" shall be omitted; and after the words "fifty-eight" the word "or" shall be inserted, and the words "or one hundred and eighty-eight" shall be omitted; and in paragraph 3, clause (3), after the words "fifty-three" the word "or" shall be inserted, and the words "or one hundred and eighty-five" shall be omitted.

21. [*Amendment of s. 267, Mad. Act I of 1884.*] *Rep. by Mad. Act II of 1892, s. 2, infra, p. 922.*

Amendment
of section
317.

22. In section 317, after the word "communicating therewith" the words "or whoever, being the occupant of any land or building, permits any open masonry street drain skirting such land or building to be obstructed by any such substances," shall be inserted.

Amendment
of section
345.

23. In section 345, after the word "slaughter-houses," the words "and may charge such tolls and fees for the use of them as to the commissioners may seem fit" shall be inserted.

Amendment
of section
362.

24. In section 362, the words "January in" shall be omitted, and the word "first" shall be inserted before the word "month".

Amendment
of section
415.

25. In section 415, for the words "and in two at least of the local daily newspapers" the words "and published by advertisement in such languages and in such local newspapers as the president may think fit" shall be substituted.

Amendment
of section
457.

26. In section 457, after the words "of this Act" the words "or with the sanction of the Governor in Council of any bye-law made in pursuance thereof" shall be inserted.

1884: Mad. Act VII.] *Mad. Munt. Act Amendment. (Secs. 27-30.)* 783

1885: Mad. Act II.] *Rivers Conservancy Act Amendment. (Sec. 1.)*

27. The taxes and tolls to be levied and payments for occupation of lands to be made, referred to in section 98 of Act I of 1884, shall, for the three months ending 31st day of March, 1885, be levied by a special instalment which shall amount to one-quarter of the total amount of the tax which would, if the said Act had been in force from the 1st January, 1884, have been due for the whole year. Such instalment shall become due and be leviable on the 1st January, 1885: Provided that a refund of the tax on arts, trades and professions and on salaries, shall be made on application, if the said art, trade or profession shall not have been exercised for thirty days during the said three months: Provided also that tolls shall be levied in the usual way at the usual rates. The rates of taxation and the classification, valuation and liability to taxation of persons and property shall remain the same during the said three months as they were under the said Act during the six months ending 31st December, 1884, subject to such revision, amendments and additions as may be made under sections 104, 131, 153, 166, 180, respectively.

Levy of taxes, &c., for the quarter ending 31st March, 1885.

28. One-quarter of the annual fee for a license, sanction or registration under section 420 shall be due and leviable on the 1st January, 1885, for the three months ending 31st March, 1885, for all licenses, sanctions or registrations which were granted in the calendar year 1884, or which may be granted during the said three months.

License-fees for the quarter ending 31st March, 1885, when due.

X of 1882.

29. Sections 133 to 144, both inclusive, of the Code of Criminal Procedure, are hereby extended to the city; and the words "District Magistrate" as used in the said sections shall denote a Magistrate as defined in Act I of 1884.

Sections 133 to 144 of the Criminal Procedure Code applicable to the City of Madras. Construction of Act.

30. This Act shall be read as part of the City of Madras Municipal Act, 1883¹ (No. I of 1884).

ACT No. II OF 1885.²

[14th February, 1885; 13th April, 1885.]

An Act to amend the Madras Rivers Conservancy Act, 1884.

Mad. Act
VI of 1884.

WHEREAS it is expedient to amend the Madras Rivers Conservancy Act, 1884; It is hereby enacted as follows:—

Preamble.

1. For section 11 the following shall be substituted (namely):—

"11. [Vide *supra*, p. 776.]

Amendment of section 11 of Act VI of 1884.

¹ *Sic*. Read '1884.'

² Short title, "The Madras Rivers Conservancy (Amendment) Act, 1885"—see the Repealing and Amending Act, 1901 (XI of 1901).

For Statement of Objects and Reasons, see Fort St. George Gazette, Extraordinary dated 4th October, 1884, p. 2; for Proceedings in Council, see *ibid*, Supplement dated 4th November, 1884, p. 3; and *ibid*, Supplement dated 10th February 1885, p. 4.

Amendment
of section 12.

2. In section 12, after the words “such land” the words “should it appear that such cultivation will tend to obstruct or divert the course of the river” shall be inserted.

Amendment
of section 16
of the said
Act.

3. For section 16 the following shall be substituted (namely) :—

“16. [*Vide supra*, p. 778.]

ACT No. III OF 1885.¹

[10th April, 1885; 15th May, 1885.]

An Act to make provision for the levying of landing and shipping fees within the outports of the Presidency of Fort St. George.

Preamble.

WHEREAS it is expedient to make rules and regulations for the levying of landing and shipping fees within the outports of the Presidency of Fort St. George; It is enacted as follows :—

PART I.

PRELIMINARY.

Short title.

1. This Act may be called the Madras Outports Landing and Shipping Fees Act, 1885. It shall come into force in any port within the Presidency of Fort St. George from such date as the Governor in Council may, by notification in the Fort St. George Gazette, direct.²

Repeal of Act
III of 1883.

2. Act No. III of 1883 (the Cocanada Port-dues Act, 1883) shall be repealed on and from the date on which this Act is brought into force in the port of Cocanada, save so far as relates to offences committed, acts done and penalties incurred before this Act came into force.

Interpreta-
tion-clause.

3. In this Act, unless there shall be something repugnant in the subject or context,—

“Port.”

(1) “port” means the space within such limits as may from time to time be defined by the Government for the purposes of this Act by notification in the Fort St. George Gazette, and until a notification is so issued within such limits as may have been defined by the Government under the provisions of Act XII of 1875³ (Indian Ports Act) :

¹ For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 3rd February, 1885, p. 2; for Report of the Select Committee, see *ibid*, dated 24th March, 1885, p. 1; for Proceedings in Council, see *ibid*, dated 17th February, 1885, p. 5; and *ibid*, Supplement dated 8th April, 1885, p. 8.

² For list of such ports, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, p. 712. The operation of this Act has been withdrawn from the port of Gopalpur—see Fort St. George Gazette, 1899, Pt. I, p. 1040.

³ See now the Indian Ports Act, 1889 (X of 1889), General Acts, Vol. V.

(Part II.—Of the Payment of Landing and Shipping Fees. Secs. 4-7.)

(2) "vessel" denotes anything made for the conveyance by water of "Vessel." human beings or property :

(3) "owner," when used in relation to goods, includes any consignor, "Owner." consignee, shipper or agent for the sale, custody, landing or shipping of such goods :

(4) the word "goods" includes wares and merchandise of every description. "Goods."

PART II.

OF THE PAYMENT OF LANDING AND SHIPPING FEES.

4. Landing and shipping fees, according to the rates which may be fixed from time to time, shall be levied¹ upon all goods, carts, carriages, animals, baggage and other articles landed from or shipped into any vessel lying or being within the limits of any port within the Presidency of Fort St. George to which this Act may be applied. Such fees shall be payable in addition to all tolls and charges now lawfully levied within such port :

Levy of landing and shipping fees.

Provided that no rates shall be fixed under the provisions of this Act without the previous sanction of the Governor General in Council.

5. Such rate shall be notified in the Fort St. George Gazette at least one month before the date from which the same shall become payable, and shall be legibly painted in the English, Tamil, Telegu and Hindustani languages on boards exhibited at the places appointed under section 6.²

Rates of fees to be notified.

6. The Government may from time to time make rules—

Rules.

(a) appointing places where goods intended for shipment or landed from ships within the port are to be placed for the purpose of assessing the fees payable under this Act ;

(b) regulating the manner in which such fees shall be assessed and the time when they shall be paid.

Such rules and any alteration or cancellation thereof shall be published in the Fort St. George Gazette, and shall thereupon have the force of law.

7. The Governor in Council shall appoint an officer of Government to levy and receive all fees payable under this Act, and to pay the same into such treasury, and keep such accounts as the Government may from time to time

Appointment of officer to levy and receive landing and shipping fees.

¹ For list of ports in which such landing and shipping-fees are levied, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, p. 712, and Fort St. George Gazette, 1901, Pt. I, p. 1856.

² For notifications under this section, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, p. 713.

*(Part II.—Of the Payment of Landing and Shipping Fees. Sec. 8.**Part III.—Penalties. Sec. 9.)*

prescribe. The officer so appointed may, with the sanction of the Government, appoint such persons as he shall think fit to assist him in carrying out the provisions of this Act, all of whom shall wear a distinguishing badge of a kind to be prescribed by such officer.

Detention of
goods until
payment of
fees.

8. It shall be lawful for the officer of Government appointed under this Act or any of his assistants to detain any such goods until the lawful fees are paid; it shall be the duty of such officer to give notice in writing to the owner or consignee if known, stating the amount of fees and charges payable in respect of such goods, and, in the event of such payment being refused or delayed for the space of fourteen days from the date of such notice, if the owner or consignee of such goods shall be in the port concerned, or otherwise, for the space of one calendar month from the date on which such fees are payable, it shall be lawful for such officer of Government to sell or cause to be sold by public auction the said goods, and, after paying the expenses of such detention and sale and double the amount of the fees by way of a fine, to pay the surplus, if any, of the proceeds of the sale to the owner or consignee or other person entitled thereto, if claimed within six months from the date of sale:

Proviso.

Provided that, if the goods are of a perishable nature, the said officer of Government may sell the same or cause them to be sold at such earlier period being not less than twenty-four hours after the landing of the goods as he shall think fit.

PART III.

PENALTIES.

Removal of
goods.

9. Whoever removes, or attempts to remove, or abets within the meaning of the Indian Penal Code¹ the removal of any goods, with the intention of evading payment of any fees payable under this Act, and whoever willfully infringes or acts in contravention of any rule made under section 6, shall on conviction before a Magistrate be punishable with fine which may extend to one hundred rupees, or in default of payment to simple or rigorous imprisonment as defined in the Indian Penal Code¹ for a term which may extend to two months.

XLV of 1860.

(I.—Preliminary and Definitions. Secs. 1-2.)

ACT No. I of 1886.

[11th January, 1886 ; 2nd February, 1886.]

An Act to consolidate and amend the Abkâri Law of the Presidency of Madras.

WHEREAS it is expedient to consolidate and amend the law relating to the import, export, transport, manufacture, sale and possession of intoxicating liquor and of intoxicating drugs in the Presidency of Madras ; It is enacted as follows :—

I.—PRELIMINARY AND DEFINITIONS.

1. This Act may be cited as the Madras Abkâri Act, 1886.

Short title.

It extends to the whole of the Presidency of Madras ;

Extent.

and it shall come into force¹ in any local area within the said Presidency to such extent and from such date as the Governor in Council, by notification shall direct.

Commencement.

2. From the date on which this Act comes into force in any local area the enactments mentioned in the schedule hereto annexed shall be repealed to the extent specified in the third column of the said schedule :

Repeal of enactments.

Provided that all licenses granted under any of the said enactments in force on the date on which this Act comes into force in any local area shall continue in force for the periods for which the same have been respectively granted, subject to the provisions of the enactments under which such licenses were granted :

Provided further that the said repeal shall not affect any act done, or any offence committed, or any proceedings commenced, or any claim which has arisen, or any penalty which has been incurred, before this Act comes into force.

¹ For statement of Objects and Reasons. *see* Fort St. George Gazette, Supplement, dated 14th October, 1884, p. 13 ; for last report of the Select Committee, *see ibid.* Supplement, dated 9th December, 1885, p. 1 ; for Proceedings in Council, *see ibid.* dated 4th November, 1884, p. 3 ; *ibid.* dated 21st August, 1885, p. 11 ; *ibid.* dated 23rd October, 1885, p. 15, *ibid.* dated 18th November, 1885, p. 23 ; *ibid.* dated 6th January, 1886, p. 1.

² Portions of this Act have been extended to certain villages in the Agency Tracts of the Ganjam, Vizagapatnam and Godavari Districts—*see* Madras List of Local Rules and Orders, Ed. 1898, Vol. II, p. 715.

Mad. Acts III of 1864 and V of 1879 are still in force in other portions of the Agency Tracts and in the Bhadrachalam and Rakapilli Taluks of the Golarvari District—*see* Fort St. George Gazette, 1899, Pt. I, p. 1140, and *ibid.* 1890, Pt. I, p. 327, respectively.

Act I of 1886 came into force as regards liquor only (*and not as regards intoxicating drugs*) in the whole of the Madras Presidency, except the Scheduled Districts, from 17th February, 1886—*see* Fort St. George Gazette, 1886, Pt. I, p. 115.

(I.—Preliminary and Definitions. Sec. 3.)

Interpretation.

3. In this Act, unless there be something repugnant in the subject or context,—

“ Abkâri-revenue.”

(1) “ abkâri-revenue ” means revenue derived or derivable from any duty, fee, tax, fine or confiscation imposed or ordered under the provisions of this Act, or of any other law for the time being in force relating to liquor or intoxicating drugs :

“ Abkâri-officer.”

(2) “ Abkâri-officer ” means the Commissioner, a Collector or any officer or other person lawfully appointed or invested with powers under section 4 or 5, and includes the Board of Revenue when exercising any of its functions or powers in respect of abkâri-revenue :

“ Commissioner.”

(3) “ Commissioner ” means the officer appointed by Government under section 4, clause (a) :

“ Collector.”

(4) “ Collector ” means a Collector of land-revenue, or any person appointed under section 4, clause (b), to exercise all the powers or to perform all the duties of a Collector under this Act :

“ Abkâri-inspector.”

(5) “ Abkâri-inspector ” means an officer appointed under section 4, clause (d) :

“ Imprisonment.”

(6) “ imprisonment ” means imprisonment of either description as defined in the Indian Penal Code :¹

“ Toddy.”

(7) “ toddy ” means fermented or unfermented juice drawn from a cocoanut, palmyra, date or any other kind of palm-tree :

“ Spirits.”

(8) “ spirits ” means any liquor containing alcohol and obtained by distillation :

“ Liquor.”

(9) “ liquor ” includes spirits of wine, methylated spirits, spirits, wine, toddy, beer, and all liquid consisting of or containing alcohol :

“ Beer.”

(10) “ beer ” includes ale, stout, porter, and all other fermented liquors usually made from malt :

“ Country liquor.”

(11) “ country liquor ” means liquor manufactured in British India on which duty of excise has not been levied or is not leviable under this Act at the full rates of duty chargeable on liquor imported into British India from foreign countries by sea :

“ Foreign liquor.”

(12) “ foreign liquor ” includes all liquor other than country liquor :

Provided that in any case in which doubt may arise the Governor in Council may declare, by notification, what for the purposes of this Act shall be deemed to be “ country liquor ” and what “ foreign liquor ” :

“ Intoxicating drug.”

(13) “ intoxicating drug ” includes ganja, bhang and every preparation and admixture of the same, and every intoxicating drink or substance prepared from any part of the hemp plant (*Cannabis Sativa* or *Indica*), from

XLV of 1860.

(II.—*Establishment and Control.* Sec. 4.)

I of 1878.

grain or from other material and not included in the term "liquor," but does not include opium or anything included within the meaning of that word as defined in the Indian Opium Act, 1878 :¹

(14) "sale" or "selling" includes any transfer otherwise than by way of gift : "Sale" or "selling."

(15) "import" means to bring into the Madras Presidency from sea, or from foreign territory or from any other part of British India : "Import."

(16) "export" means to take out of the Madras Presidency to sea, or to foreign territory or to any other part of British India : "Export."

(17) "transport" means to move from one place to another within the Madras Presidency : "Transport."

(18) "manufacture" includes every process, whether natural or artificial, by which any fermented, spirituous or intoxicating liquor or intoxicating drug is produced or prepared, and also re-distillation and every process for the rectification of liquor : "Manufacture."

(19) "rectification" includes every process whereby spirits are purified or are coloured or flavored by mixing any material therewith : "Rectification."

(20) "place" includes also a house, building, shop, tent and vessel. "Place."

II.—ESTABLISHMENT AND CONTROL.

4. ²Notwithstanding anything contained in Regulations I and II of 1803, the Governor in Council may, from time to time, by notification applicable to any district or local area in which this Act is in force,—

The Governor in Council—

(a) appoint an officer, who shall exercise all the powers of a Collector in respect of the abkári-revenue, and who shall, either as a member of the Board of Revenue or subject to the orders of the Board of Revenue or independently of the Board of Revenue, as the Governor in Council may direct, have the control of the administration of the Abkári Department or of the collection of the abkári-revenue, or of both ; and may direct that the control exercised by the Board of Revenue over Collectors in respect of the abkári-revenue shall be exercised by such officer ;

may appoint an officer to control the administration of the Abkári Department ;

(b) appoint any person other than the Collector of land-revenue to exercise all or any of the powers and to perform all or any of the duties of a Collector in respect of the abkári-revenue either concurrently with or in exclusion of the Collector of

may appoint special Collectors of abkári-revenue ;

¹ Printed, General Acts, Vol. III.

² For notifications under the powers contained in this section, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, p. 716 ; see also Fort St. George Gazette, 1899, Pt. I, pp. 799 and 923.

(II.—*Establishment and Control. Sec. 5. III.—Import, Export and Transport. Sec. 6.*)

land-revenue, subject to such control as the Governor in Council may from time to time direct ;

(c) withdraw from the Board of Revenue or the Collector of land-revenue any or all of their or his powers in respect of the abkâri-revenue ;

(d) appoint officers to perform the acts and duties mentioned in sections 40 to 53, inclusive, of this Act ;

(e) appoint subordinate officers of such classes and with such designations, powers and duties under this Act as the Governor in Council may think fit ;

(f) order that all or any of the powers and duties assigned to any officers under clauses (d) and (e) of this section shall be exercised and performed by any Government officer or any person ;

(g) delegate to any Abkâri-officer all or any of his powers under this Act.

5. ¹ The Governor in Council may from time to time make rules—

(1) prescribing the powers and duties under this Act to be exercised and performed by Abkâri-officers of the several classes ; and

(2) regulating the delegation by the Board of Revenue, by the Commissioner or by Collectors of any powers conferred by this Act or exercised in respect of abkâri-revenue under any Act for the time being in force.

III.—IMPORT, EXPORT AND TRANSPORT.

6. ² No liquor or intoxicating drug shall be imported unless, being liable to the payment of duty under the Indian Tariff Act, 1882³, or any other law for the time being in force relating to the duties of customs on goods imported into British India, it has been dealt with according to such law :

¹ For rules under this section, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, p. 717, and *ibid.* Fort St. George Gazette, 1899, Pt. II, p. 703.

² For notification under sections 6 and 7, authorizing the Collectors of certain districts to permit the import and export of toddy from and to Mysore, see Madras List of Local Rules and Orders, Ed. 1893, Vol. II, p. 718.

³ Printed, General Acts, Vol. IV.

may withdraw abkâri powers from Board of Revenue or Collectors of Land-revenue ; may appoint officers to take action under sections 40 to 53, and subordinate officers ;

may appoint any Government officer or other person to act as above ; and may delegate any of his powers to an Abkâri-officer. Rules for the guidance of Abkâri-officers.

Import of liquor or intoxicating drug.

XI of 1882.

(III.—Import, Export and Transport. Secs. 7-10.)

Provided that, subject to the orders of the Governor in Council, the Collector may, from time to time, permit the import of liquor or intoxicating drugs, or of any kind of liquor or intoxicating drugs, other than liquor or intoxicating drugs liable to the payment of duty under such law as aforesaid, on payment of the duty, if any, to which the same is liable under this Act and on such other terms as he thinks fit, and may cancel such permission.

7. ¹No liquor or intoxicating drug shall be exported unless it has been lawfully imported by sea into any port in the said Presidency and its export is permitted by competent authority on payment of the fee or duty, if any, to which it is liable under any law for the time being in force on its transhipment or re-exportation :

Export of liquor or intoxicating drug.

Provided that, subject to the orders of the Governor in Council, the Collector may, from time to time, permit the export of liquor or intoxicating drugs, or of any kind of liquor or intoxicating drugs, on payment of the duty, if any, to which the same is liable under this Act and on such other terms as he thinks fit, and may cancel such permission.

8. Nothing in the last two preceding sections shall be deemed to affect any law for the time being in force which empowers the Governor General in Council to prohibit or restrict the importation of liquor or of intoxicating drugs, or which empowers the Governor General in Council to exempt any liquor or intoxicating drug from the whole or any part of the duties of customs to which it is liable under any law for the time being in force.

Sections 6 and 7 not to affect certain laws and powers of Governor General in Council.

9. ²The Governor in Council may, from time to time, by notification, prohibit the transport of liquor or of intoxicating drugs, or of any kind of liquor or intoxicating drugs, from any local area into any other local area.

Prohibition of the transport of liquor.

10. ³No liquor or intoxicating drug exceeding such quantity as the Governor in Council may from time to time prescribe by notification, either generally for the whole Presidency or for any local area, shall be transported except under a permit issued under the provisions of the next following section :

Transport of liquor or intoxicating drug.

Provided that, in the case of foreign liquor transported for *bonâ fide* private consumption or for sale at any place at which the sale of such liquor is duly licensed or permitted under the provisions of this Act, such permits shall be dispensed with unless the Governor in Council shall by notification otherwise direct with respect to any local area.

¹ See second footnote on previous page.

² For notification under this section, see Fort St. George Gazette, 1896, Pt. I, p. 1129.

³ For rules under ss. 10 and ss. 11 to 18 and 24 to 29, for the cultivation of the hemp plant and the manufacture, storage, sale, possession and transport of intoxicating drugs, see Fort St. George Gazette, 1901, Pt. I, p. 902.

(III.—*Import, Export and Transport.* Sec. 11. IV.—*Manufacture, Possession and Sale* Secs. 12-13.)

Permits for transport.

11. ¹Permits for the transport of liquor or intoxicating drugs may be issued by the Collector or by any person duly empowered in that behalf.

Such permits shall be either general for definite periods and kinds of liquor or intoxicating drugs, or special for specified occasions and particular consignments only.

Every permit shall specify—

- (a) the name of the person authorized to transport liquor or intoxicating drugs;
- (b) the period for which the permit is to be in force;
- (c) the quantity and description of liquor or intoxicating drugs for which it is granted;
- (d) any other particulars which the Governor in Council may prescribe.

General permits shall be granted only to persons licensed under this Act, and shall cover any quantity of liquor transported at any one time within the quantity specified in the permit.

Permits shall extend to and include servants and other persons employed by the grantees and acting on their behalf.

IV.—MANUFACTURE, POSSESSION AND SALE.

Manufacture of liquor or intoxicating drug prohibited except under the provisions of this Act.

12. ¹No liquor or intoxicating drug shall be manufactured, no hemp plant (*Cannabis Sativa* or *Indica*) shall be cultivated, no toddy-producing tree shall be tapped, no toddy shall be drawn from any tree, no distillery or brewery shall be constructed or worked, and no person shall use, keep or have in his possession any materials, still, utensil, implement or apparatus whatsoever for the purpose of manufacturing any liquor other than toddy or any intoxicating drug,

except under the authority and subject to the terms and conditions of a license granted by the Collector in that behalf, or under the provisions of section 21 :

Provided that the Governor in Council may, by notification, direct that in any local area it shall not be necessary to take out a license for the manufacture of liquor for *bonâ fide* home consumption.

Possession of liquor or

13. ¹No person not being a licensed manufacturer or vendor² of liquor or intoxicating drugs shall have in his possession any quantity of liquor or

¹ See third footnote on preceding page.

² For rules made under sections 13 and 15 in conjunction with s. 2 of the Excise (Spirits) Act, 1863 (XVI of 1863), see Fort St. George Gazette, 1899, Pt. I, p. 301.

(IV.—*Manufacture, Possession and Sale. Secs. 14-15.*)

intoxicating drugs in excess of such quantities as the Governor in Council may from time to time prescribe by notification, either generally for the whole Presidency or for any local area, in respect of any specified description or kind of liquor or intoxicating drug, unless under a license granted by the Collector in that behalf :

intoxicating drugs, in excess of the quantity prescribed by Government, prohibited.

Provided that—

(1) no fee shall be charged for any such license granted for the possession of such liquor or intoxicating drugs for *bond fide* private consumption or use ;

No fee to be charged for license for possession for private consumption.

(2) nothing in this section extends to any foreign liquor in the possession of any warehouseman as such, or purchased by any person for his *bond fide* private consumption and not for sale.

Proviso as regards foreign liquor.

14.¹ The Commissioner may, with the previous sanction of the Governor in Council,—

Establishment of public distilleries and of warehouses.

(a) establish a public distillery in which liquor or any kind of liquor may be manufactured under a license granted under section 12 on such conditions as the Governor in Council deems fit to impose ;

(b) discontinue any public distillery so established ;

(c) license at or in connection with any licensed distillery or elsewhere a private warehouse wherein liquor and intoxicating drugs may be deposited and kept without payment of duty ;

(d) establish a public warehouse wherein liquor and intoxicating drugs may be deposited and kept without payment of duty ; and

(e) discontinue any public warehouse so established.

Public warehouses shall be for the general accommodation of persons desiring to warehouse liquor or intoxicating drugs subject to duty pending removal for local consumption or for export

15.¹ No liquor or intoxicating drug shall be sold without a license² from the Collector :

Sale of liquor or intoxicating drug without license prohibited. Power to exempt toddy.

Provided that a person having the right to the toddy drawn from any tree may sell the same without a license to a person licensed to manufacture or sell toddy under this Act, and a cultivator or owner of any plant from which an intoxicating drug is produced may sell without a license those portions of the plant from which the intoxicating drug is manufactured or produced to any person licensed under this Act to sell, manufacture or export intoxicating drugs :

¹ See third footnote on p. 791, *supra*.

² See second footnote on previous page.

(1V.—*Manufacture, Possession and Sale. Sec. 16. V.—Duties. Secs. 17-18.*)

Provided also that the Governor in Council may, from time to time, by notification, suspend in any local area any or all of the provisions relating to toddy contained in this Act:

Provided further that the Governor in Council may in like manner declare that any or all of the provisions of this Act shall not apply in any local area to trees tapped, or to toddy drawn in pots or other receptacles freshly coated internally with lime, for the purpose of the manufacture of jaggery.

Exclusive privileges of manufacture, etc., may be granted.

16. ¹It shall be lawful for the Governor in Council to grant to any person or persons, on such conditions and for such period as may seem fit, the exclusive or other privilege—

(1) of manufacturing or supplying by wholesale, or

(2) of selling by retail, or

(3) of manufacturing or supplying by wholesale and selling by retail, any country liquor or intoxicating drugs within any local area.

No grantee of any privilege under this section shall exercise the same until he has received a license in that behalf from the Collector.

In such cases, if the Governor in Council shall by notification so direct, the provisions of section 12 relating to toddy and toddy-producing trees shall not apply.

V.—DUTIES.

Duty on liquor or intoxicating drugs.

17. ¹A duty shall, if the Governor in Council so direct, be levied on all liquor and intoxicating drugs—

(a) permitted to be imported under the proviso to section 6; or

(b) permitted to be exported under the proviso to section 7; or

(c) manufactured under any license granted under section 12; or

(d) manufactured at any distillery established under section 14; or

(e) permitted under section 11 to be transported; or

(f) sold in any part of the said Presidency,

of such amount as the Governor in Council may from time to time prescribe:

Provided that it shall be lawful for the Governor in Council to exempt any liquor or intoxicating drug from any duty to which the same may be liable under any of the provisions of this Act.

How duty may be imposed.

18. ¹Such duty may be levied in one or more of the following ways:—

(a) by duty of excise to be charged in the case of spirits or beer either on the quantity produced in or passed out of the distillery or brewery, as the case may be; or in accordance with such

¹ See third footnote on p. 791, *supra*.

(V.—Duties. Secs. 19-21.)

- scale of equivalents, calculated on the quantity of materials used or by the degree of attenuation of the wash or wort, as the case may be, as the Governor in Council may prescribe ;
- (b) in the case of intoxicating drugs, by a duty to be rateably charged on the quantity produced or manufactured ;
 - (c) by payment of a sum in consideration of the grant of any exclusive or other privilege—
 - (1) of manufacturing or supplying by wholesale, or
 - (2) of selling by retail, or
 - (3) of manufacturing or supplying by wholesale and selling by retail any country liquor or intoxicating drug in any local area and for any specified period of time ;
 - (d) by fees on licenses for manufacture or sale ;
 - (e) in the case of toddy, or spirits manufactured from toddy, by a tax on each tree from which toddy is drawn, to be paid in such instalments and for such period as the Governor in Council may direct ; or
 - (f) by transport-duties assessed in such manner as the Governor in Council may direct.

19. When duty is levied by way of tax on toddy trees under section 18, the Governor in Council may by notification direct that the license required under section 12 shall be granted only on the production by the person applying for it of the written consent of the owner, or person in possession, of such trees to the license being granted to such person so applying for it ; and when such notification has been issued such tax shall, in default of payment by the licensee, be recoverable from the owner or other person in possession who has so consented.

Tax for tapping unlicensed trees from whom leviable.

When, in like case, trees are tapped without license, the tax due shall be recoverable primarily from the tapper or in default by him from the occupier, if any, of the land, or if the trees do not belong to the occupier of the land, or if the land is not occupied, from the person, if any, who owns or is in possession of the trees, unless he proves that the trees were tapped without his consent.

20. All or any of the duties leviable under this Act in any local area may, with the sanction of the Governor in Council, be farmed, subject to such payment and on such other conditions as the Governor in Council shall prescribe. Farmers of duties under this section shall take out licenses as such from the Collector.

Duties may be farmed.

21. When the exclusive privilege of manufacturing toddy has been granted

Toddy-farmer

(V.—Duties. Secs. 22-23. VI.—Licenses, etc. Secs. 24-26.)

may grant
license.

under section 16, the Governor in Council may declare that the written permission of the grantee to draw toddy shall have, within the area to which the privilege extends, the same force and effect as a license from the Collector for that purpose under section 12.

Farmer may
let or assign.

22. In the absence of any contract or condition to the contrary, any grantee of any exclusive or other privilege may let or assign the whole or any portion of his privilege or farm. But no such lessee or assignee shall exercise any rights as such unless and until the grantee or farmer, as the case may be, shall have applied to the Collector for a license to be given to such lessee or assignee, and such lessee or assignee shall have received the same.

Recovery by
farmer of
rents due to
him.

23. It shall be lawful for any such grantee, farmer, lessee or assignee as aforesaid to proceed against any person holding under him for the recovery of any money due to him as if it were an arrear of rent recoverable under the law for the time being in force with regard to laudholder and tenant :

Provided that nothing contained in this section shall affect the right of any such grantee, farmer, lessee or assignee to recover by civil suit any such amount due to him from any such person as aforesaid.

VI.—LICENSES, ETC.

Form and
conditions of
licenses, etc.

24.¹ Every license or permit granted under this Act shall be granted—

- (a) on payment of such fees, if any ;
- (b) for such period ;
- (c) subject to such restrictions and on such conditions ; and
- (d) shall be in such form and contain such particulars as the Governor in Council may direct either generally or in any particular instance in this behalf.

Counterpart
agreement to
be executed
by licensees.

25. Every person taking out a license under this Act may be required to execute a counterpart agreement in conformity with the tenor of his license and to give such security for the performance of his agreement as the Collector may require.

Power to
re-call
licenses, etc.

26. The Collector may cancel or suspend any license or permit granted under this Act—

- (a) if any fee or duty payable by the holder thereof be not duly paid ; or
- (b) in the event of any breach by the holder of such license or permit, or by his servants, or by any one acting with his express or

¹ For notifications, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II p. 720.

See also third footnote on page 791, *supra*.

(VII.—General Provisions. Secs. 27-29.)

- implied permission on his behalf, of any of the terms or conditions of such license or permit ; or
- (c) if the holder thereof is convicted of any offence against this Act or any other law for the time being in force relating to abkâri-revenue or of any cognizable and non-bailable offence ; or
 - (d) where a license or permit has been granted on the application of the holder of an exclusive or other privilege or of a farmer of duties under this Act, on the requisition in writing of such person ; or
 - (e) if the conditions of license or permit provide for such cancelment or suspension at will.

VII.—GENERAL PROVISIONS.

27. Every person who manufactures liquor or sells country liquor under a license granted under this Act shall be bound—

- (a) to supply himself with such of the prescribed measures for the sale of country liquor and with such of the prescribed instruments for testing the strength of such liquor as the Collector may direct, and to keep the same in good condition ; and
- (b) on the requisition of any Abkâri-officer duly empowered in that behalf at any time to measure out or to test the strength of any such liquor in his possession in such manner as the said Abkâri-officer may require.

Certain
licensees
required to
keep instru-
ments for
testing, etc.

28. All duties, taxes, fines and fees payable to Government direct under any of the foregoing provisions of this Act or of any license or permit issued under it, and all amounts due to Government by any grantee of a privilege or by any farmer under this Act or by any person on account of any contract relating to the abkâri-revenue may be recovered from the person primarily liable to pay the same, or from his surety (if any), as if they were arrears of land-revenue, and, in case of default made by a grantee of a privilege or by a farmer, the Collector may take the grant or farm under management at the risk of the defaulter, or may declare the grant or farm forfeited and re-sell it at the risk and loss of the defaulter. When a grant or farm is under management under this section, the Collector may recover any moneys due to the defaulter by any lessee or assignee as if they were arrears of land-revenue.

Recovery of
duties, etc.

29.¹ The Governor in Council may from time to time frame rules—

- (a) regulating the mode in which toddy may be supplied to licensed

Power to
frame rules.

¹ For rules framed under the powers conferred by this section, see Fort St. George Gazette, 1902, Pt. I, p. 241. See also third footnote on page 791, *supra*.

(VII.—General Provisions. Sec. 29.)

- vendors of the same, or to persons who distil spirits from it, or who use it in the manufacture of bread ;
- (b) for determining the number of licenses of each description to be granted in any district or place ;
- ¹(c) for regulating the number, size and description of stills, utensils, implements and apparatus to be used in any distillery ;
- (d) prescribing the instruments to be used in the testing of liquor and the tables of corrections according to temperature to be used therewith ;
- (e) prescribing the measures to be used for the sale of country liquor ;
- (f) fixing for any local area the minimum price below which any country liquor shall not be sold ;
- ¹(g) for the warehousing of liquor and intoxicating drugs and for the removal of the same from any warehouse in which they are deposited for deposit in any other warehouse or for local consumption or for export ;
- ¹(h) for the inspection and supervision of stills, distilleries, private warehouses and breweries ;
- (i) for the management of any public distillery or public warehouse established under section 14 ;
- ¹(j) for placing the preparation of intoxicating drugs and the storage, import, export, possession or transport of liquor or intoxicating drugs under such supervision and control as may be deemed necessary for the purposes of this Act ;
- (k) prohibiting the use of any article which the Government shall deem to be noxious or otherwise objectionable in the manufacture of liquor or of any intoxicating drug ;
- ¹(l) for the grant of batta to witnesses, and of compensation for loss of time to persons released by any Abkâri-officer under section 40 (3) of this Act, on the ground that they have been improperly arrested, and to persons charged before a Magistrate with offences under this Act and acquitted ;
- (m) regulating the power of Abkâri-officers to summon witnesses from a distance under section 44 ;
- (n) for the disposal of articles confiscated and of the proceeds thereof ;
- (o) generally, to carry out the provisions of this Act or of any other law for the time being in force and relating to the abkâri-revenue.

¹ For rules under these clauses, see Fort St. George Gazette, 1902, Pt. I, p. 208.

VIII.—POWERS AND DUTIES OF OFFICERS, etc.

30. If any Magistrate upon information given by any Abkâri or Police Officer or any other person, and after such inquiry as he thinks necessary, has reason to believe that an offence under section 55 or section 57 or section 58 of this Act has been committed, he may issue a warrant for the search for any liquor, intoxicating drug, materials, still, utensil, implement or apparatus in respect of which the alleged offence has been committed.

Magistrate may issue a search-warrant on application.

Before issuing such warrant, the Magistrate shall examine the informant on oath or affirmation, and the examination shall be reduced into writing in a summary manner and be signed by the informant and also by the Magistrate.

31. Whenever the Commissioner, or a Collector, or any Abkâri or Police Officer not below the rank of Sub-inspector or a Police-station-officer, has reason to believe that an offence under section 55 or section 57 or section 58 of this Act has been committed, and that the delay occasioned by obtaining a search-warrant under the preceding section will prevent the execution thereof, he may, after recording his reasons and the grounds of his belief, at any time, by day or night, enter and search any place, and may seize anything found therein which he has reason to believe to be liable to confiscation under this Act; and may detain and search and, if he think proper, arrest any person found in such place whom he has reason to believe to be guilty of any offence under this Act:

Power to certain Abkâri and Police Officers to search houses, etc., without warrant.

Provided that every person arrested under this section shall be admitted to bail by such officer as aforesaid if sufficient bail be tendered for his appearance either before a Magistrate or before an Abkâri-inspector, as the case may be.

32. The Commissioner, or a Collector, or any Abkâri-officer not below the rank of Sub-inspector, or any Police-officer duly empowered in that behalf, may enter and inspect, at any time by day or by night, any place in which any licensed manufacturer carries on the manufacture of any liquor or intoxicating drug, or draws toddy, or stores any liquor or intoxicating drug or toddy; and may enter and inspect, at any time during which the same may be open, any place in which any liquor or intoxicating drug is kept for sale by any licensed person; and may examine, test, measure or weigh any materials, stills, utensils, implements, apparatus, liquor or intoxicating drugs found in such place.

Power to enter and inspect places of manufacture and sale.

33. If any officer empowered to make an entry under the provisions of the last two preceding sections cannot otherwise make such entry, it shall be

In case of resistance, entry may

(VIII.—Powers and Duties of Officers, etc. Secs. 34-39.)

be made by
force, etc.

lawful for him to break open any outer or inner door or window and to remove any other obstacle to his entry into any such place.

Offenders
may be
arrested, and
contraband
liquor and
articles
seized,
without
warrant.

34. Any officer of the Abkâri, Salt, Police, Land-revenue or Customs Departments, and any other person duly empowered, may arrest without warrant in any public thoroughfare or open place other than a dwelling-house any person found committing an offence punishable under section 55 or section 57 or section 58 of this Act; and in any such thoroughfare or place may seize and detain any liquor, drug or other article which he has reason to believe to be liable to confiscation under this Act or any other such law; and may search any person, vessel, vehicle, animal, package, receptacle or covering upon whom, or in or upon which he may have reasonable cause to suspect any such liquor, drug or other such article to be or to be concealed.

Arrest of per-
sons refusing
to give name
or giving
false name.

35. Any person who may be accused or reasonably suspected of committing an offence under this Act, and who on demand of any officer of the Abkâri, Salt, Police, Land-revenue or Customs Departments, or of any other person duly empowered, refuses to give his name and residence, or who gives a name or residence which such officer or person has reason to believe to be false, may be arrested by such officer or person in order that his name and residence may be ascertained.

Searches how
to be made.

36. All searches under the provisions of this Act shall be made in accordance with the provisions of the Code of Criminal Procedure.¹

X of 1882.

Officers of
certain
departments
bound to
assist.
Offences to
be reported,
etc.

37. All officers of the Departments of Police, Customs, Salt and Land-revenue shall be legally bound to assist any Abkâri-officer in carrying out the provisions of this Act.

38. Every officer employed by Government, other than an Abkâri-officer, shall be bound to give immediate information to an Abkâri-officer,

and every Abkâri-officer shall be bound to give immediate information either to his immediate official superior or to an Abkâri-inspector,

of all breaches of any of the provisions of this Act which may come to his knowledge; and all such officers shall be bound to take all reasonable measures in their power to prevent the commission of any such breaches which they may know or have reason to believe are about or likely to be committed.

Landholders
and others
to give
information.

39. All zamindârs, proprietors, tenants, under-tenants and cultivators who own or hold land on which there shall be any manufacture of liquor or intoxicating drugs not licensed under this Act shall, in the absence of reasonable excuse, be bound to give notice of the same to a Magistrate or to an officer of the Abkâri, Salt, Police, Customs or Land-revenue Departments immediately the same shall have come to their knowledge.

¹ See now Act V of 1898, General Acts, Vol. VI.

(VIII.—*Powers and Duties of Officers, etc. Secs. 40-43.*)

40. (1) When any person is arrested under the provisions of section 31 or section 34 or section 35 of this Act, the person arresting him shall, unless bail shall have been accepted under the provisions of section 31, forthwith forward him to an Abkâri-inspector, or, if there be no such officer within a distance of ten miles from the place at which such arrest took place, to the nearest police-station, with a report of the circumstances under which such arrest was made.

Persons arrested how to be dealt with.

(2) On any such person being brought to a police-station as aforesaid, the officer in charge thereof shall either admit him to bail to appear when summoned before the Abkâri-officer as aforesaid within the limits of whose jurisdiction the offence with which he is charged is suspected to have been committed, or, in default of bail, shall forward him in custody to such officer.

Procedure by Police-station-officer.

(3) On any such person being brought in custody before such Abkâri-officer as aforesaid or appearing before him on bail, such officer shall hold such inquiry as he may think necessary, and shall either release such person, or forward him in custody to, or admit him to bail to appear before, the Magistrate having jurisdiction to try the case.

Procedure by Abkâri-officer empowered to inquire.

41. It shall be the duty of any officer arresting any person under the powers given by section 31 of this Act, and of any Police-station-officer or Abkâri-officer before whom a person arrested is brought or appears under the provisions of section 40, to release such person on bail if sufficient bail be tendered for his appearance before an Abkâri-inspector or before a Magistrate, as the case may be.

Persons arrested to be admitted to bail.

42. Before any person is released on bail, a bond in such sufficient but not excessive sum of money as the officer admitting him to bail thinks proper shall be executed by such person and by one or more sureties, conditioned that such person shall attend in accordance with the terms of the bond and shall continue to attend until otherwise directed by the Abkâri-inspector before whom he was bailed to attend, or by the Magistrate, as the case may be :

Bond of accused and sureties.

Provided that the officer admitting any such person to bail may at his discretion dispense with the requirement of a surety or sureties to the bond executed by such person.

The Governor in Council shall from time to time determine the form of the bond to be used in any local area.

43. When by reason of default of appearance of a person bailed to appear before an Abkâri-inspector such officer is of opinion that proceedings should be had to compel payment of the penalty or penalties mentioned in the bond of the person bailed or of the surety or sureties, he shall forward the bond to the Magistrate having jurisdiction to try the offence of which the person bailed

Procedure in case of default of person admitted to bail to appear before Abkâri-Inspector.

(VIII.—Powers and Duties of Officers, etc. Secs. 44-50.)

was accused, and the Magistrate shall proceed to compel payment of the penalty or penalties in the manner provided by the Code of Criminal Procedure¹ for the recovery of penalties in the like case of default of appearance by a person bailed to appear before his own Court. X of 1882.

Abkâri-officers may summon witnesses.

44. Any Abkâri-officer holding an inquiry in the manner provided in section 40 may summon any person to appear before himself to give evidence on such inquiry or to produce any document relevant thereto which may be in his possession or under his control :

Provided that no such Abkâri-officer shall summon any person to appear at a greater distance from the usual place of residence of such person than the Governor in Council may from time to time by rule direct.

Terms of summons.

45. Every summons issued under the last preceding section shall state whether the person summoned is required to give evidence or to produce a document, or both, and shall require him to appear before the said officer at a stated time and place.

Examination of witnesses by Abkâri-inspectors.

46. Persons so summoned shall attend as required and shall answer all questions relating to such inquiry put to them by such officer. Such answers shall be reduced into writing and shall be signed by such officer.

When attendance of witnesses to be dispensed with, and procedure in such cases.

47. It shall be lawful for an Abkâri-inspector, instead of summoning to appear before him any person who, from sickness or other infirmity, may be unable so to do, or whom by reason of rank or sex it may not be proper to summon, to proceed to the residence of such person and there to require him to answer such questions as he may consider necessary with respect to such inquiry ; and such person shall be bound so to answer accordingly, and the provisions of section 46 shall apply to such answers.

Abkâri-inspector may summon persons suspected of offences against abkâri laws.

48. Any Abkâri-inspector may, after recording his reasons in writing, summon any person to appear before him whom he has good reason to suspect of having committed an offence under this Act. On such person appearing before such officer, the procedure prescribed by sections 40 to 47, inclusive, of the Act shall become applicable.

Law relating to Criminal Courts as to summoning of witnesses to apply.

49. The law for the time being in force as to summonses and compelling the attendance of persons summoned in Criminal Courts shall, so far as the same may be applicable, apply to any summons issued by an Abkâri-inspector and to any person summoned by him to appear under the provisions of this Act.

Report of Abkâri-inspector

50. When an Abkâri-inspector forwards in custody any person accused of an offence under this Act to the Magistrate having jurisdiction to try the case,

¹ See now Act V of 1898, General Acts, Vol. VI.

(VIII.—Powers and Duties of Officers, etc. Secs. 51-54.)

or admits any such person to bail to appear before such Magistrate, such officer shall also forward to such Magistrate a report setting forth the name of the accused person and the nature of the offence with which he is charged, and the names of the persons who appear to be acquainted with the circumstances of the case, and shall send to such Magistrate any article which it may be necessary to produce before him. Upon receipt of such report the Magistrate shall inquire into such offence and try the person accused thereof in like manner as if complaint had been made before him as prescribed in the

gives jurisdiction to a competent Magistrate.

X of 1882. Code of Criminal Procedure.¹

51. When an Abkari-inspector forwards in custody any person accused of an offence under this Act to the Magistrate having jurisdiction to try the case, or admits him to bail to appear before such Magistrate, such officer shall exercise all the powers conferred by the Code of Criminal Procedure¹ on an officer in charge of a police-station in respect to causing the appearance before such Magistrate of such persons acquainted with the facts and circumstances of the case as he considers it necessary that such Magistrate shall examine as witnesses for the prosecution of such case.

Powers of Abkari-inspector to cause attendance of witnesses before Magistrate.

X of 1882.

52. No person accused or suspected of having committed an offence under this Act shall be detained for a longer period than under all the circumstances of the case is reasonable; and such period shall not, in the absence of the special order of a Magistrate, whether having jurisdiction to try the case or not, exceed twenty-four hours, exclusive of the time necessary for the journey of such person to the place where an Abkari-inspector may be, and from thence to the Court having jurisdiction to try the case.

Accused not to be detained in custody for a longer period than twenty-four hours without special authority.

53. All officers in charge of police-stations shall take charge of and keep in safe custody, pending the orders of a Magistrate or of an Abkari-inspector, all articles seized under this Act which may be delivered to them; and shall allow any Abkari-officer who may accompany such articles to the police-station, or who may be deputed for the purpose by his superior officer, to affix his seal to such articles and to take samples of and from them. All samples so taken shall also be sealed with the seal of the officer in charge of the police-station.

Police to take charge of articles seized.

54. It shall be lawful for the Magistrate of the district or, in the town of Madras, for the Commissioner of Police, by notice in writing to the licensee, to require that any shop in which liquor or any intoxicating drug is sold shall be closed at such times or for such period as he may think necessary for the preservation of the public peace.

Closing of shop for the sake of public peace.

¹ See now Act V of 1898, General Acts, Vol. VI.

(IX.—Penalties. Secs. 55-56.)

If a riot or unlawful assembly is apprehended or occurs in the vicinity of any such shop, it shall be lawful for any Magistrate, or for any Police-officer who is present, to require such shop to be kept closed for such period as may be necessary.

IX.—PENALTIES.

For illegal
import, etc.

55. Whoever, in contravention of this Act, or of any rule or order made under this Act, or of any license or permit obtained under this Act,—

- (a) imports, exports, transports or possesses liquor or any intoxicating drug ; or
- (b) manufactures liquor or any intoxicating drug ; or
- (c) cultivates the hemp plant (*Cannabis Sativa* or *Indica*) ; or
- (d) taps any toddy producing tree ; or
- (e) draws toddy from any tree ; or
- (f) constructs or works any distillery or brewery ; or
- (g) uses, keeps or has in his possession any materials, still, utensil, implement or apparatus whatsoever for the purpose of manufacturing liquor other than toddy or any intoxicating drug ; or
- (h) sells liquor or any intoxicating drug,

shall, on conviction before a Magistrate, be punished for each such offence with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

For miscon-
duct by
licensee, etc.

56. Whoever, being the holder of a license or permit granted under this Act,—

- (a) fails to produce such license or permit on the demand of any Abkâri-officer or of any other officer duly empowered to make such demand ; or
- (b) does any act in breach of any of the conditions of his license or permit not otherwise provided for in this Act ; or
- (c) wilfully contravenes any rule made under section 29 of this Act ;
or
- (d) permits drunkenness, riot or gaming in any place in which any liquor or intoxicating drug is sold or manufactured ; or
- (e) permits persons of notoriously bad character to meet or remain in any such place,

shall, on conviction before a Magistrate, be punished for each such offence with fine which may extend to two hundred rupees, or with imprisonment which may extend to three months, or with both.

(IX.—Penalties. Secs. 57-59.)

57. Whoever, being the holder of a license for the sale or manufacture of liquor or of any intoxicating drug under this Act,—

For adultera-
tion, etc., by
licensed
vendor or
manufac-
turer.

- (a) mixes or permits to be mixed with the liquor or intoxicating drug sold or manufactured by him any noxious drug or any foreign ingredient likely to add to its actual or apparent intoxicating quality or strength, or any article prohibited by any rule made under section 29, clause (k), when such admixture shall not amount to the offence of adulteration under section 272 of the Indian Penal Code,¹ or

XLV of 1860.

- (b) sells or keeps or exposes for sale as foreign liquor, liquor which he knows or has reason to believe to be country liquor, or

- (c) marks the cork of any bottle or any bottle, case, package or other receptacle containing country liquor, or uses any bottle, case, package or other receptacle containing country liquor, with any mark thereon or on the cork thereof with the intention of causing it to be believed that such bottle, case, package or other receptacle contains foreign liquor, when such act shall not amount to the offence of using a false trademark with intent to deceive or injure any person under section 482 of the Indian Penal Code;¹ or

- (d) sells or keeps or exposes for sale any country liquor in a bottle case, package or other receptacle with any mark thereon or on the cork thereof with the intention of causing it to be believed that such bottle, case, package or other receptacle contains foreign liquor, when such act shall not amount to the offence of selling goods marked with a counterfeit trademark under section 486 of the Indian Penal Code,¹

shall, on conviction before a Magistrate, be punished for each such offence with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

58. Whoever without lawful authority has in his possession any quantity of liquor or of any intoxicating drug knowing the same to have been unlawfully imported, transported or manufactured, or knowing the prescribed duty not to have been paid therefor, shall, on conviction before a Magistrate, be punished with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

For posses-
sion of illicit
liquor.

59. Any Abkari-officer or other person who, without reasonable ground of suspicion, enters or searches, or causes to be searched, any closed place,

For vexatious
search or
arrest.

¹Printed, General Acts, Vol. I, p. 240.

(IX.—Penalties. Secs. 60-63.)

or vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for anything liable to confiscation under this Act,

or vexatiously and unnecessarily detains, searches or arrests any person, or in any other way vexatiously exceeds his lawful powers,

shall, on conviction before a Magistrate, be punished for each such offence with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to six months, or with both.

For vexatious delay.

60. Any officer or person exercising powers under this Act who vexatiously and unnecessarily delays forwarding to an Abkâri-inspector or to the officer in charge of the nearest police-station, as required by section 49 of this Act, any person arrested, or any articles seized under this Act, shall, on conviction before a Magistrate, be punished with fine which may extend to two hundred rupees.

For abetment of escape of persons arrested, etc.

61. Any officer or person who unlawfully releases or abets the escape of any person arrested under this Act, or abets the commission of any offence against this Act, or

acts in any manner inconsistent with his duty for the purpose of enabling any person to do anything whereby any of the provisions of this Act may be evaded or broken, or the abkâri-revenue may be defrauded,

and any officer of any other department referred to in section 37 who abets the commission of any offence against this Act in any place,

shall, on conviction before a Magistrate, for every such offence be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to six months, or with both.

For Abkâri-officer refusing to do duty, using violence or being guilty of cowardice.

62. Any Abkâri-officer who without lawful excuse shall cease or refuse to perform, or shall withdraw himself from, the duties of his office, unless expressly allowed to do so in writing by the Commissioner or unless he shall have given to his superior officer two months' notice in writing of his intention to do so; or

who shall offer any unwarrantable violence to any person in his custody; or who shall be guilty of cowardice,

shall, on conviction before a Magistrate, be punished with fine which may extend to six months' pay, or with imprisonment which may extend to three months, or with both.

For offences not otherwise provided for.

63. Whoever is guilty of any act or intentional omission in contravention of any of the provisions of this Act, or of any rule or order made under this Act, and not otherwise provided for in this Act, shall, on conviction before a

(IX.—Penalties. Secs. 64-66.)

Magistrate, be punished for each such wilful act or omission with fine which may extend to two hundred rupees.

64. In prosecutions under section 55 it shall be presumed, until the contrary is proved, that the accused person has committed an offence under that section in respect of any liquor or intoxicating drug, or any still, utensil, implement or apparatus whatsoever for the manufacture of liquor other than toddy or of any intoxicating drug, or any such materials as are ordinarily used in the manufacture of liquor or of any intoxicating drug, for the possession of which he is unable to account satisfactorily ;

Presumption
as to commis-
sion of
offence in
certain cases.

and the holder of a license or permit under this Act shall be punishable, as well as the actual offender, for any offence committed by any person in his employ and acting on his behalf under section 55 or section 56 or section 57 or section 58 as if he had himself committed the same, unless he shall establish that all due and reasonable precautions were exercised by him to prevent the commission of such offence :

Provided that no person other than the actual offender shall be punished with imprisonment except in default of payment of fine.

65. In any case in which an offence has been committed under this Act, the liquor, drug, materials, still, utensil, implement or apparatus in respect of which an offence has been committed shall be liable to confiscation.

What things
liable to
confiscation.

Any liquor or intoxicating drug lawfully imported, exported, transported, manufactured, had in possession or sold, or toddy lawfully drawn or tapped along with, or in addition to, any liquor, intoxicating drug or toddy, liable to confiscation under this section, and

the receptacles, packages and coverings in which any such liquor, intoxicating drug, materials, still, utensil, implement or apparatus as aforesaid is or are found, and the other contents, if any, of the receptacles or packages in which the same is or are found, and the animals, carts, vessels or other conveyances used in carrying the same,

shall likewise be liable to confiscation.

66. When the offender is convicted, or when the person charged with an offence under this Act is acquitted, but the Magistrate decides that anything is liable to confiscation, such confiscation may be ordered by the Magistrate.

Confiscation
how ordered.

Whenever confiscation is authorized by this Act, the Magistrate ordering it may give the owner of the thing liable to be confiscated an option to pay, in lieu of confiscation, such fine as the officer thinks fit.

When an offence under this Act has been committed, but the offender is not known or cannot be found, or when anything liable to confiscation under

(IX.—Penalties. Secs. 67-68. X.—Miscellaneous. Sec. 69.)

this Act and not in the possession of any person cannot be satisfactorily accounted for, the case shall be inquired into and determined by the Commissioner, or by any other officer authorized by the Governor in Council in that behalf, who may order such confiscation :

Provided that no such order shall be made until the expiration of one month from the date of seizing the things intended to be confiscated or without hearing the persons, if any, claiming any right thereto, and evidence if any, which they produce in support of their claims.

Power to
compound
offences.

67.¹ Any Abkâri-officer specially empowered in that behalf may accept from any person whose license or permit is liable to be cancelled or suspended under clauses (a) and (b) of section 26, or who is reasonably suspected of having committed an offence under section 56 or section 63, a sum of money not exceeding two hundred rupees in lieu of such cancelment or suspension or by way of compensation for the offence which may have been committed, as the case may be ; and in all cases whatsoever in which any property has been seized as liable to confiscation under this Act may release the same on payment of the value thereof as estimated by such officer.

On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the accused person, if in custody, shall be discharged, the property seized shall be released, and no further proceedings shall be taken against such person or property.

Provisions of
the Criminal
Procedure
and Indian
Penal Codes
applicable
to offences
committed
under this
Act.
Publication
of rules
and notifica-
tions.

68. The provisions of the Criminal Procedure Code² relating to execution X of 1882. so far as the same are applicable, and sections 67, 68 and 69 of the Indian Penal Code,³ shall apply to all offences committed and to all persons punished under the provisions of this Act.

X.—MISCELLANEOUS.

69. All rules made and notifications issued under this Act shall be made and issued by publication in the Fort St. George Gazette :

Provided that all such rules and notifications whereby the doing or the not doing of anything is made punishable shall be published in three successive issues of the Fort St. George Gazette and for at least two months in the official Gazettes of the districts to which, or to parts of or to places in which, it may be determined that they shall apply.

All such rules and notifications shall thereupon have the force of law and

¹ For notification empowering the Commissioner, Collectors, etc., to exercise the powers conferred by this section, see Fort St. George Gazette, 1890, Pt. I, pp. 97 to 99.

² See now Act V of 1898, General Acts, Vol. VI.

³ Printed, General Acts, Vol. I, p. 240.

(X.—Miscellaneous. Secs. 70-72. Schedule.)

be read as part of this Act, and may in like manner be varied, suspended or annulled.

70. All notifications and orders conferring powers, imposing duties and making appointments under this Act may respectively refer to the persons concerned specially by name or in virtue of their office or to classes of officials generally by their official titles; and all Courts shall take judicial notice thereof.

The confer-
ring of
powers and
making of
appoint-
ments.

71. Nothing in the foregoing provisions of this Act applies to the manufacture, possession, sale or supply of any *bonâ fide* medicated article for medicinal purposes by medical practitioners, chemists, druggists, apothecaries or keepers of dispensaries; but it shall be lawful for the Governor in Council at any time by notification to prohibit the sale of any such article within any defined local area except under a license from the Collector, which shall be granted on payment of such fees and subject to such conditions as the Governor in Council may deem fit to prescribe.

Exception of
medicated
articles.

72. No action shall lie against the Secretary of State for India in Council, or against any Abkâri-officer, for damages in any Civil Court for any act *bonâ fide* done or ordered to be done in pursuance of this Act, or of any law for the time being in force relating to abkâri-revenue;

Bar of
actions.

and all prosecutions of any Abkâri-officer, and all actions which may be lawfully brought against the Secretary of State for India in Council or against any Abkâri-officer, in respect of anything done, or alleged to have been done, in pursuance of this Act, shall be instituted within six months from the date of the act complained of and not afterwards.

In such action, if for damages, it shall be lawful for the Court, if tender of sufficient amends shall have been made before the action was brought, in awarding the amount so tendered, to refuse costs to the plaintiff and direct him to pay the costs of the defendant.

SCHEDULE.

(See section 2.)

Enactment.	Subject.	Extent of Repeal.
Act XIX of 1852 .	For better securing the Abkâri-revenue of the town and suburbs of Madras.	The whole so far as it has not already been repealed.

SCHEDULE—*continued.*

Enactment.	Subject.	Extent of Repeal.
Act III of 1856	An Act to amend Act XIX of 1852.	The whole.
Act III of 1864 (Madras) .	An Act for amending the Abkārī Laws of the Madras Presidency beyond the limits of the Madras Abkārī as prescribed by Act XIX of 1852.	The whole, so far as it has not already been repealed.
Act V of 1879 (Madras) .	The Madras Abkārī Laws Amendment Act, 1879.	The whole.

ACT No. II OF 1886.¹

[26th October, 1885 ; 20th February, 1886.]

An Act to provide Trustees for the Harbour of Madras.

Preamble.

WHEREAS it is expedient to make provision for the regulation, conservancy and improvement of the harbour of Madras ; It is enacted as follows :—

I.—PRELIMINARY.

Short title.

1. This Act may be called the Madras Harbour Trust Act, 1885.

Commencement.

² 2. ³ The first and second parts of the Act shall come into operation on such date as the Governor in Council may, by notification in the Fort St. George Gazette, direct ; and the remainder of the Act shall come into operation on such later date as the Governor in Council may, by a second notification, direct.

Interpretation-section.

3. In this Act, unless there be something repugnant in the subject or context—

" Rates."

(1) the word " rates " includes any toll, due, rent, rate or charge leviable under this Act :

" Port."

(2) " port " means the port of Madras within such limits as may, from time to time, be defined by the Governor in Council for the purpose of this

¹ For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement, dated 7th August, 1885, p. 16 ; for Report of the Select Committee, see *ibid* dated 18th September, 1885, p. 1 ; for Proceedings in Council, see *ibid* dated 21st August, 1885, p. 9 ; *ibid* dated 23rd October, 1885, p. 13.

² This section was substituted for the original section by Mad. Act III of 1886, s. 1.

³ Parts I and II of the Act came into force on 1st May, 1886, while the remainder came into force on 1st June, 1886—see notifications noted on p. 724 of Madras List of Local Rules and Orders, Ed. 1898, Vol. II.

(II.—Of the Board of Trustees. Sec. 4.)

Act by notification in the Fort St. George Gazette,¹ and until a notification is so issued within such limits as may have been defined by the Government under the provisions of Act XII of 1875 (the Indian Ports Act²) :

(3) "harbour" means the artificial harbour at Madras consisting of the enclosing groynes and the enclosed space and the corresponding foreshore east of the beach road, and all buildings, structures or appliances provided by the Governor in Council or the Trust Board for the purposes of the harbour and of the vessels using it, together with the moorings therein laid down by the Governor in Council or the Trustees :

"Harbour "

(4) the "Chief Officer of Customs" denotes the chief executive officer of Sea-customs for the port of Madras for the time being :

" Chief
Officer of
Customs."
" Vessel."

(5) "vessel" denotes anything made for the conveyance by water of human beings or of property :

(6) "master," when used in relation to any vessel, means any person having for the time being the charge or control of such vessel :

" Master."

(7) "owner," when used in relation to goods, includes any consignor, consignee, shipper or agent for the sale, custody, loading or unloading of such goods, and, when used in relation to any vessel, includes any part-owner, charterer, consignee or mortgagee in possession thereof :

" Owner."

(8) "land" includes the bed of the sea below high-water-mark :

" Land."

(9) "wharf" includes any part of the foreshore that may be used for loading or unloading goods, and any wall enclosing or adjoining the same :

" Wharf."

(10) "dock" includes basins, locks, cuts, entrances, graving docks, graving blocks, inclined planes, patent slips, gridirons, quays, warehouses and other works and things appertaining to any dock, [and also denotes the portion of the sea enclosed by the arms or groynes of the harbour] :

" Dock."

(11) "pier" includes any stage, stairs, landing-place, hard, jetty, landing-stage, floating barge or pontoon, and any bridges or other works connected therewith :

" Pier."

(12) the word "goods" means and includes every kind of moveable property.

" Goods."

II.—OF THE BOARD OF TRUSTEES.

Constitution of Board.

4. The duty of carrying out the provisions of this Act shall, subject to such conditions and limitations as are hereinafter contained, be vested in a

Act to be
carried out
by trustees.

¹ See Marine Notification No. 11, dated 1st June, 1886—Fort St. George Gazette, 4th June, 1886, p. 525.

² See now the Indian Ports Act, 1889 (X of 1889)—General Acts, Vol. V.

³ These words were added by Mad. Act III of 1900, printed *infra*, p. 1083. They are to be read and construed as if they had been inserted at the time of the passing of Mad. Act II of 1886.

board to be called "the trustees of the Harbour of Madras," and such board, hereinafter referred to as "the board," shall be a body corporate and have perpetual succession and a common seal, and shall sue and be sued by the name first aforesaid.

Constitution
of the board.

5. The board shall consist of not less than nine or more than thirteen members, that is to say, of five elective trustees, not more than seven nor less than three nominee trustees and a chairman; and not less than three of the trustees shall be natives of India residing in the City of Madras.

Elective
trustees to be
elected by the
Chamber of
Commerce
and Trade
Association;

6. Four of the elective trustees shall be elected by the members for the time being of the Madras Chamber of Commerce, and one by the members for the time being of the Madras Trade Association, in such manner as shall from time to time be determined at the meeting of the members of the said Chamber or Trade Association convened in accordance with the rules at the time in force in this behalf. The chairman of the said Chamber and the chairman of the said Trade Association shall each make a return to the Governor in Council of the name of every person so elected by the Chamber and Trade Association, and such return shall be published in the Fort St. George Gazette

or in default
of such elec-
tion shall be
nominated
by Govern-
ment.

In the event of default being made by the Chamber or Trade Association in electing any trustee under the foregoing provisions within the period hereinafter prescribed in this behalf, it shall be lawful for the Governor in Council, by notification in the Fort St. George Gazette, to nominate a person, and the person so nominated shall be deemed to be a trustee as if he had been duly elected by the Chamber or Trade Association, as the case may be.

Appoint-
ment of
nominee
trustees.
Term of
office.

7. The nominee trustees and the chairman shall be appointed by the Governor in Council by notification in the Fort. St. George Gazette.

8. Subject to the provisions hereinafter contained, the term of office of the first chairman and trustees shall commence¹ on such date as shall be notified by the Governor in Council, and the said chairman and trustees shall hold office up to, and inclusive of, the 31st March next succeeding, and every person thereafter appointed or elected to be such trustee or chairman shall hold office for the term of two years; but the Governor in Council may at any time accept the resignation of any such trustee or chairman.

Election of
first trustees.

9. The first elective trustees shall be elected on some day not later than a fortnight previous to the date which shall be notified by the Governor in Council under section 8; in every other case elective trustees shall be elected on some day not earlier than the first and not later than the fifteenth day of the month of March next preceding the 1st of April from which their term

¹ For notification fixing the date, see *Madras List of Local Rules and Orders*, Ed. 1898, Vol. II, p. 724.

(II - Of the Board of Trustees. Secs. 10-14.)

of office is to commence; and nominee trustees shall be appointed on some day in the remainder of the said month of March.

Trustees to be elected in the month of March.
Trustees re-eligible.

10. Any person ceasing to be a trustee shall, unless disqualified under section 14, be eligible for re-appointment or re-election.

11. The Governor in Council may, by an order under the hand of one of the Secretaries to Government, direct that any chairman or nominee trustee named in such order shall cease to be chairman or trustee; and the person so named shall cease to be such chairman or trustee accordingly.

Power to remove chairman or trustee.

12. When any casual vacancy in the office of a chairman or trustee is occasioned by the death, resignation or disqualification of such chairman or trustee, if the office vacated was that of chairman, or trustee other than elective trustee, the Governor in Council shall within one month, by an order published in the Fort St. George Gazette, appoint a chairman or trustee, as the case may be, in the place of the person so dying or ceasing to be a chairman or trustee. Such appointment shall be subject to the provisions of section 5.

Appointment of successors.

If the office vacated be that of an elective trustee, the vacancy shall be filled up within one month by the Chamber of Commerce or Trade Association, as the case may be, in the manner provided in section 6.

If, exclusive of the person so dying or ceasing to be a trustee, the number of the trustees is not less than nine, and the conditions of section 5 remain fulfilled, it shall be lawful for the Governor in Council not to appoint a trustee to the place of the person so dying or ceasing to be a trustee.

13. When any trustee departs from Madras with the intention of being absent for a longer period than three months, the Governor in Council may appoint some other person to act in the place of such absent trustee until he returns to Madras or ceases to be a trustee. The person so appointed shall be subject to all the restrictions and be entitled to all the privileges to which the trustee for whom he is acting was subject or entitled.

Appointment of acting trustee during absence of trustee.

Disqualification of Trustees.

14. No person shall be qualified to be a trustee during such time as he—

(a) is an uncertificated bankrupt or insolvent, or

(b) holds any office or place of profit under the board, or

(c) has, directly or indirectly, any share or interest in any work done by order of the board, or in any contract, or employment with, by or on behalf of, the board;

and any trustee who—

(d) becomes disqualified for any of the aforesaid reasons, or

Disqualifications for office of trustee.

(II.—Of the Board of Trustees. Secs. 15-16.)

- (e) refuses to act or becomes incapable of acting,
 - (f) is absent from the meetings of the board for a period exceeding twelve consecutive months, or, without the permission of the board, from six consecutive meetings of the board, or
 - (g) is sentenced to imprisonment for any offence,
- shall cease to be a trustee, and his office shall thereupon become vacant :

Proviso.

Provided always that no trustee shall vacate his office by reason only of his—

- (h) having a share in any joint stock company which shall contract with, or be employed by or on behalf of, the board, or
- (i) having a share or interest in any newspaper in which any advertisement relating to the affairs of the board may be inserted, or
- (j) being interested in any loan of money to the board.

Remuneration and Leave of Chairman and Trustees.

Salary of chairman.

15. The Governor in Council may from time to time determine what salary and what allowances shall be paid to the chairman, and may declare any conditions and restrictions upon and under which such salary and allowances, respectively, shall be payable.

Fees to trustees.

Every trustee other than the chairman shall be entitled to a fee of thirty rupees for each meeting of the board or committee appointed under section 17, clause (3), at which a quorum is present and business is transacted and which he attends from the beginning to the end thereof :

Provided that, if more than one such meeting is held in any one week, no more than thirty rupees shall be paid to any trustee for his attendance at all such meetings during that one week.

Leave of absence may be granted to the chairman.

16. The Governor in Council may from time to time grant to the chairman such leave of absence as he may deem fit, and any person appointed by the Governor in Council to act for the chairman during any such absence on leave shall, while so acting, be deemed for all the purposes of this Act to be the chairman.

Leave and acting allowances to be defrayed out of the general fund.

The salary which the Governor in Council may direct to be paid to the chairman during his absence on leave, and the salary which may be directed to be paid to the person appointed to act for him, shall be defrayed as provided in section 33 :

Provided that the aggregate amount of the salaries paid to such chairman and the person appointed to act for him shall not in any case exceed the salary which may under this Act be paid to the permanent holder of the office.

(II.—Of the Board of Trustees. Sec. 17.)

Proceedings of Board.

17. The following provisions shall be observed with respect to the proceedings of the board, namely:—

(1) During any vacancy in the board the continuing trustees may act as if no vacancy had occurred.

(2) The board shall meet together and shall from time to time make such arrangements not inconsistent with this Act with respect to the place, day, hour, notice, management and adjournment of such meetings, and generally with respect to the transaction of business, as they may think fit, subject to the following conditions, namely:—

(a) that a meeting shall be held once at least in every fortnight;

(b) that the chairman may, whenever he thinks fit, and shall, upon the written request of not less than three trustees, call a special meeting;

(c) that no business shall be transacted at any meeting unless at least five trustees are present throughout such meeting;

(d) that every meeting shall be presided over by the chairman, if he is present at the time appointed for holding the same, and, if he is absent, by such one of the trustees present as may be chosen by the meeting;

(e) that all questions shall be decided by a majority of votes of the trustees present, the president having a second or casting vote in all cases of equality of votes;

(f) that, if a poll be demanded, the names of the trustees voting and the nature of their votes shall be recorded by the president of the meeting;

(g) that minutes shall be kept by the secretary of the names of the trustees present and of the proceedings at each meeting in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the president of such meeting, and shall be open to inspection by any trustee during office hours;

(h) the president may, with the consent of any meeting, adjourn it;

(i) a copy of the minutes of every meeting of the board shall, as soon as conveniently may be, be transmitted to such Secretary of the

Provisions concerning the board's proceedings. Casual vacancy not to affect board's proceedings. Board to meet together and arrange for transaction of business as they think fit, but there must be a meeting once a fortnight, or whenever necessary upon an emergency,

and five trustees shall make a quorum, and every meeting must be presided over by the chairman, and all questions must be decided by a majority of votes, and poll may be demanded.

Minutes of proceedings must be kept, and

adjournment of meetings. Copy of minutes to be sent to Government, and any

(II.—Of the Board of Trustees. Secs. 15-19.)

returns
called for by
Government
to be fur-
nished.
Publication
in Gazette.

Local Government as shall from time to time be appointed to receive the same, and shall be published in the Fort St. George Gazette, and any other returns or information which the Governor in Council from time to time call for shall be forthwith supplied by the chairman.

Board may
appoint
committees.

(3) The board may, from time to time, appoint committees consisting of not less than five of their number for carrying into effect any part of the provisions of this Act, with such powers and under such instructions, directions or limitations as shall be defined by the board; three members of any such committee shall be a quorum; and the board shall have power at any time to alter the constitution of or discontinue any such committee.

Committee's
meeting to
be presided
over by a
chairman.

(4) A committee may elect a chairman of their meetings, and if no such chairman is elected, or if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meetings.

Committees
when to
meet.

(5) Committees may meet and adjourn at their discretion, but the chairman of the board may, whenever he thinks fit, and shall, upon the written request of not less than two members of a committee, call a special meeting of such committee.

Questions
how to be de-
cided at com-
mittee's
meetings.

(6) Questions at any meeting of a committee shall be decided by a majority of votes of the members present, and in case of an equal division of votes the chairman shall have a second or casting vote, but no business shall be transacted at any such meeting unless at least three of the members of the committee are present from the beginning to the end thereof.

Proceedings
not to be in-
validated by
a vacancy or
informality
of appoint-
ment.

18. No act or proceeding of the board or of a committee shall be invalid in consequence only of there being a vacancy in the number of the trustees at the time when such act or proceeding was had or done, or by reason only of there being some defect in the appointment of such board, committee or trustee or on the ground that they or any of them were disqualified for the office of trustee; and all proceedings of the trustees, or of any person acting as a trustee, shall be as valid as if such person had been duly appointed to be a trustee.

Board may
delegate
powers to
chairman.

19. The board may, by resolution in writing, with the sanction of the Governor in Council, prescribe which of the powers and duties by this Act conferred or imposed upon the board may be exercised and performed by the chairman.

The board may, from time to time, with the like sanction, alter or cancel any such resolution.

(II.—Of the Board of Trustees. Sec. 20. III.—Of the Officers and Servants of the Board. Secs. 21-22.)

20. The chairman shall—

Duties of chairman.

- (1) attend every meeting of the board unless prevented by sickness or other reasonable cause ;
- (2) exercise supervision and control over the acts and proceedings of all officers and servants of the board in matters of executive administration and in matters concerning the accounts and records of the board ;
- (3) subject to the regulations made under section 22, and to the schedule for the time being in force framed by the board under section 21, dispose of all questions relating to the service of the officers and servants of the board, and their pay, privileges and allowances.

III.—OF THE OFFICERS AND SERVANTS OF THE BOARD.

21. The board shall, from time to time, prepare and sanction a schedule of the staff of officers and of servants whom the board shall deem it necessary and proper to maintain for the purposes of this Act. Such schedule shall also set forth the amount and nature of the salaries, fees and allowances which the board sanctions for each such officer or servant :

Schedule of other officers and servants and of their pay and allowances to be prepared and sanctioned by the board.
Proviso.

Provided that artisans, porters and labourers, and the supplier of porters and labourers, shall not be deemed to be officers or servants within the meaning of this section or of sections 22 and 23.

22. The board shall, from time to time, frame regulations¹—

- (1) for regulating the grant of leave to the officers (other than the chairman) and servants of the board ;
- (2) for authorizing the payment of allowances to the said officers and servants, or to any of them, whilst absent on leave ;
- (3) for determining the remuneration to be paid to the persons appointed to act for any such officers or servants during their absence on leave ;
- (4) for regulating the period of service of all such officers and servants ;
- (5) for determining the conditions under which such officers and servants or any of them shall be entitled, on retirement, to pensions, gratuities or compassionate allowances, and the amount of such pensions, gratuities or compassionate allowances ;

Board to frame regulations—
for regulating leave ;
for settling absentee-allowances ;
for fixing acting allowances ;
for regulating length of service ;
for fixing pensions, etc. ;

- ¹(6) for authorizing the payment of contributions at certain prescribed

for authorizing contributions

¹ For rules under cl. (6) of this section, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, p. 724.

(III.—Of the Officers of the Board. Secs. 23-24. IV.—Of the Property and Liabilities of the Board. Secs. 25-26.)

to provident fund.

rates and subject to certain prescribed conditions to any provident fund which may, with their approval, be established by the officers and servants appointed under this Act.

All pensions, contributions and allowances mentioned in this section shall be chargeable to the general fund of the board :

Proviso.

Provided that the regulations for the grant of pensions, gratuities and compassionate allowances, referred to in clause (5) of this section, shall be subject to the approval of the Governor in Council.

Appointments, etc., by whom made.

23. Subject to the provisions of the said regulations framed under section 22, the power of appointing, promoting, suspending, dismissing, fining, reducing or granting leave to the officers and servants of the board shall be exercised by the chairman, in the case of officers and servants, whose monthly salary does not exceed three hundred rupees, and in every other case by the board.

The power of dispensing with the services of any officer or servant of the board, otherwise than by reason of such officer's or servant's own misconduct or of permitting any such officer or servant to retire on a pension, gratuity or compassionate allowance, shall, subject to the aforesaid provisions, be exercised by the board alone.

Sanction of Government when necessary.

24. Every order or regulation made by the board under any of the three last preceding sections shall, so far as the same relates to the secretary, engineer, traffic manager or chief accountant of the board, be subject to the previous sanction of the Governor in Council.

IV.—OF THE PROPERTY AND LIABILITIES OF THE BOARD.

Property vested in the board.

25. On the [issuing of the second notification mentioned in section 2] of this Act there shall vest in the board the several properties specified in Schedule A to this Act annexed, anything in the Madras Municipal Act, I of 1884,² to the contrary notwithstanding, also the sums standing at the credit of the harbour-dues after deducting interest on sums already expended.

Power to hold and acquire property.

26. The board may, with the sanction of the Governor in Council, acquire and hold moveable or immoveable property within the limits of the port or town of Madras, either by purchase, or on lease, or otherwise; and they may lease, sell or otherwise alienate any moveable or immoveable property vested in or acquired by them. No such sale, lease or alienation of any immoveable property shall be valid without the sanction of the Governor in Council.

¹ These words were substituted for the words "coming into operation" by s. 2 of Mad. Act III of 1886, *infra*, p. 834.

² Printed, *supra*, p. 398.

(VI.—Of the Property and Liabilities of the Board. Secs. 27-32.)

27. When the board are unable to acquire, by private contract, any immovable property required for the purposes of this Act, the Governor in Council may, in his discretion, declare that such property is required for a public purpose, and may order proceedings to be taken for obtaining possession of the same according to the law for the time being in force for the acquisition of land for public purposes.

Such property, when so acquired, shall, on their paying the compensation awarded and all costs connected with its acquirement, be deemed to be vested in the board.

Procedure to be observed when board are unable to acquire, by agreement, any immovable property.

Compensation to be paid by the board.

28. Notwithstanding anything in Madras Act I of 1884¹ or other law for the time being in force, the property vested by this Act in the board shall be exempted from assessment of any rate or tax under the said Act or any other such law.

Payment to municipality in lieu of rates.

29. On [the issuing of the second notification mentioned in section 2] there shall be deemed and taken to be due from the board to the Secretary of State for India in Council the several sums set forth in Schedule B to this Act annexed.

Amount of debt.

30. On the said sums set forth in Schedule B and on any other sums which may from time to time be advanced by the Secretary of State to the board, or on such part thereof as may for the time being be owing by the board to the Secretary of State, interest shall be paid by the board to the Secretary of State annually on the first of April at the rate of four and a half per cent. per annum, such interest to be calculated from the date on which the said sums or any part of them have been or may be advanced.

Payment of interest.

31. The said sums specified in Schedule B shall be repaid by the board to the said Secretary of State by annual instalments of one lakh of rupees, the first of such instalments to be paid on the first day of April next after the coming into operation of this Act, and every other sum which may become due from the board to the said Secretary of State shall be payable by the board to the Secretary of State on such dates and in such instalments as shall be agreed upon between the Governor in Council and the board :

Re-payment of principal sums due.

Provided that no sum larger than one lakh of rupees per annum shall be at any time so re-payable by the said board to the said Secretary of State.

32. Notwithstanding the provisions of the last preceding section, it shall be lawful for the board, if they think fit, out of any moneys which may come into their hands, under the provisions of this Act, to re-pay to the said

Power to re-pay before due date.

¹ Printed, *supra*, p. 398.

² These words were substituted for the words " this Act coming into operation " by s. 2 of Mad. Act III of 1886, *infra*, p. 834.

(VI.—Of Property and Liabilities of the Board. Sec. 33. V.—Of the Borrowing Powers of the Board. Secs. 34-36.)

Secretary of State in Council any sum which, for the time being, may remain due to him under the provisions of this Act as principal :

Provided that no such re-payment shall be made of any sum less than ten thousand rupees, and, from and after any such re-payment, no further sum as interest shall be payable to the said Secretary of State in Council in respect of the sum which shall have been so re-paid.

Income of the property how to be employed.

33. Subject to any specific appropriation by the legislature, the rents, income and other proceeds of any property vested in the board under this Act and acquired by them thereunder, and all moneys acquired by the board under or by virtue of this Act, shall be applied by the board as follows :—

- (1) the payment of officers and servants employed by the board under this Act ;
- (2) the remuneration of the chairman and the trustees ;
- (3) the execution and maintenance of works undertaken ;
- (4) the payment of any interest which is from time to time owing by the board ;
- (5) the re-payment by instalment of moneys from time to time owing by the board ; and
- (6) generally for the purposes of this Act.

V.—OF THE BORROWING POWERS OF THE BOARD.

Governor in Council may advance money to the board, or

34. The Governor in Council, acting on behalf of the Secretary of State for India in Council, may, with the previous consent of the Governor General of India in Council, from time to time advance money to the board for the general purposes of this Act ; or

with consent of Government the board may raise loan.

The board may, with the previous consent of the Governor General in Council, from time to time raise money for the said purposes or for the purpose of re-paying either in whole or in part any moneys heretofore or hereafter borrowed, or owing, by the board :

Proviso.

Provided always that no expenditure shall be charged by the board to capital, except with the express sanction of the Governor in Council.

Manner of raising such loans to be determined by Government.

35. Whenever the consent of the Governor General in Council has been obtained to the raising of money by the board under the last preceding section, the Governor in Council shall, with the previous consent of the Governor General in Council, direct and appoint the manner in which such money shall be raised.

Forms of debentures.

36. When money is raised by the board on debentures, the debentures shall be in the form of Schedule C, or in such other form as the board, with the

(VI.—Of Revenue and Expenditure. Secs. 37-40.)

previous consent of the Governor in Council, shall from time to time determine.

The holder of any debenture in the form of Schedule C, or in any form duly authorized under this section, may obtain in exchange therefor, upon such terms as the board shall from time to time determine, a debenture in any other form so authorized.

Every debenture issued by the board shall be transferable,—

Transfer of
debentures.

(a) if it is in the form of Schedule C, by endorsement, and

(b) if it is any other form, in such manner as shall be therein expressed.

The right to sue in respect of the moneys secured by debentures issued under this section shall vest in the respective holders thereof for the time being, without any preference by reason of some of such debentures being prior in date to others.

¹ VI. —OF REVENUE AND EXPENDITURE.

37. The chairman shall, at a special meeting to be held within two months after the date on which trustees have been appointed and elected under this Act, lay before the board a separate estimate of the expenditure and of the income of the board for the period from such date up to the first day of April then next ensuing ; and shall, at a special meeting to be held in the month of February in each succeeding year, lay before the board a like estimate of such income and expenditure for the twelve months commencing on the first day of April then next ensuing. Every such estimate shall be in such form as the Governor in Council shall, by an order published in the Fort St. George Gazette, direct.

Chairman
to submit
annual
estimate of
income and
expenditure.

38. Such estimate shall be completed and printed, and a copy thereof sent by post or otherwise to each trustee not less than ten clear days at least prior to the day appointed for the meeting before which the estimate is to be laid.

Copy of
estimate to
be sent
to each
trustee.
Revision
and passing
of estimates.

39. It shall be in the discretion of the board, at such meeting, to pass or to reject, or to modify or alter, such estimate, and to pass such estimate so modified or altered.

40. Every such estimate, when so passed by the board, shall be submitted to the Governor in Council ; and the Governor in Council may either approve such estimate, or may return the same with remarks thereupon ; and the

Estimate
to be ap-
proved by
Govern-
ment.

¹ This part, in common with the rest of the Act, except Parts I and II, came into force on the 1st June, 1885—see Fort St. George Gazette, 1885, Pt. I, p. 513.

(VI.—Of Revenue and Expenditure. Secs. 41-44.)

board shall forthwith proceed to re-consider such estimate in reference to such remarks, and, if necessary, to modify or alter the same and re-submit such estimate to the Governor in Council.

The board shall not expend on any item any greater sum than shall have been allotted for such item in the estimate and approved by the Governor in Council.

Power to make supplemental estimates.

41. The board may, in the course of any year for which an estimate has been approved by the Governor in Council, cause one or more supplemental estimates for the residue of such year to be prepared and laid before themselves; and thereupon such proceedings shall be had as by sections 38, 39 and 40 are directed to be had with respect to the estimate therein mentioned. Every such supplemental estimate shall be considered and sanctioned by the board and submitted to the Governor in Council in the same manner as if it were an original annual estimate.

Expenditure to be made in pursuance of estimate.

42. The board shall not, save in cases of pressing emergency, expend any sum for any purpose not approved in some estimate for the time being in force; nor shall they expend for any purpose not so approved any sum exceeding two thousand rupees without the assent of the Governor in Council.

Accounts to be audited and examined.

43. The accounts of the receipts and expenditure of the board shall, once in every year, be laid before the Governor in Council, and shall be audited and examined by such auditors as shall, from time to time, be appointed by the Governor in Council. For the purposes of any such audit and examination of accounts the auditors may, by summons in writing, require the production before them of all books, deeds, contracts, vouchers and all other documents and papers which they deem necessary; and may require any person holding or accountable for any such books, deeds, contracts, vouchers, documents or papers to appear before them at any such audit and examination or adjournment thereof, and to answer all questions which may be put to him with respect to the same, or to prepare and submit any further statement which such auditors may consider necessary in explanation thereof.

Auditors to have power to call for books, etc.

Auditors' remuneration.

44. The auditors shall be paid by the board such remuneration as the Governor in Council shall determine.

Audit report to be published.

Within fourteen days after the audit and examination has been completed the auditors shall report upon the accounts audited and examined, and shall deliver such report to the board, and the board shall cause the same to be deposited in their office and to be published in the Fort St. George Gazette and in some one or more of the daily newspapers published in Madras.

45. The board shall frame a scale of rates¹ to be levied for each or any of the following matters, namely :—

- ¹ (a) for the landing, shipping, wharfage, crantage, storage or demurrage of goods at [² and for the portorage of goods on, from or within],
- (b) for permission for vessels or boats to approach or lie alongside,
- ³ (c) and for animals or vehicles carrying goods and merchandise to or from or entering upon or plying for hire at or on,

any wharf, pier [⁴ dock, land or building] in the possession or occupation of the board, and may frame a scale of rates for the landing of goods at any place within the limits of the port whether within or without the harbour. Any such scale of rates shall be submitted to the Governor in Council for sanction, and after receiving such sanction shall be published in the Fort St. George Gazette; and such rate shall thereupon be leviable by the board. The said scale may from time to time, subject to the like sanction and publication, be altered, diminished or increased by the board.

Levy of rates.

Sanction of the Governor in Council.

Mad. Act VI of 1882.

Until a scale of rates is framed, sanctioned and published under this section, the scale in force when this Act comes into operation under section 3 of the Madras Harbour-dues Act, 1882,⁵ shall be deemed to have been duly framed, sanctioned and published under this section.

Scale framed, under section 3 of the Act VI of 1882, to continue in force until altered.

46. If, on the preparation of the estimate of any year, it appears that the estimated income of the board for such year, after deducting therefrom the estimated expenditure of such year, will be insufficient for the payment of the interest which may be payable by the board during such year to the Secretary of State for India or to any other creditor, and of the instalments which may be payable under section 31;

Power to increase rates to provide for estimated deficiency of revenue.

or if, at any time in the course of a year, it appears that the income of such portion of the year as has then elapsed, and the estimated income of the residue of such year, after deducting therefrom the actual expenditure of such past portion and the estimated expenditure of such residue, will be insufficient;

the board may, and upon the requisition of the Governor in Council

¹ For revised scale of rates for the Madras Harbour, see Notification No. 35, Fort St. George Gazette, 1896, Pt. I, p. 708, amended, 1897, Pt. I, p. 253, and *ibid*, 1898, Pt. I, p. 27.

² These words were inserted by Mad. Act I of 1892, s. 2, printed, *infra*, p. 922. The addition took effect from 1st June, 1886.

³ For scale of haulage rates, see Fort St. George Gazette, 1896, Pt. I, p. 708.

⁴ These words were substituted for the words "or dock" by Mad. Act II of 1898, *infra*, p. 1016.

⁵ This Act was repealed with effect from 1st June, 1886, the date of the commencement of this part of the present Act. See s. 88, *infra*.

(VI.—Of Revenue and Expenditure. Sec. 47. VII.—Of the Powers and Functions of the Board. Secs. 48-52.)

shall, increase the rates, for the time being in force, to such extent as will render the income of the year sufficient, as nearly as may be, for the payment of the said interest and instalments in full.

Such additional rates shall be fixed by the board, and shall be submitted to the Governor in Council, and, if approved by the Governor in Council, shall be published in the Fort St. George Gazette, and shall become leviable after the expiration of three months from the date of such publication, and continue leviable until altered by the board with the sanction of the Governor in Council.

On board making default, Government to impose rates, etc.

47. If the board shall, for fifteen days after the receipt by them of any such requisition from the Governor in Council, neglect or refuse so to increase such rates, the Governor in Council may, by notification in the Fort St. George Gazette, increase such rates as he thinks fit, and such notification shall have the same force as if a new scale of rates to the same effect had been duly framed, sanctioned and published under section 45.

VII.—OF THE POWERS AND FUNCTIONS OF THE BOARD.

Lien for rates.

48. For the amount of all rates leviable under this Act in respect of any goods, the board shall have a lien on such goods, and may seize and detain the same until such rates are fully paid.

Rates, etc., on goods when payable.

49. Rates in respect of goods to be landed shall be payable immediately on the landing of the goods; in respect of goods to be removed from the premises of the board, or to be shipped for export, shall be payable before the goods are removed or shipped.

Priority of lien of board over all other liens.

50. The lien for such rates shall have priority over all other liens and claims, except for general average and for the shipowner's lien for freight upon the said goods, where such lien exists and has been preserved in the manner provided in section 52, and for primage, and for money payable to Her Majesty or the Secretary of State in Council under any law for the time being in force.

Saving of power of Chief Officer of Customs under existing law.

51. Nothing in this Act shall affect any power vested in the Chief Officer of Customs under any law for the time being in force.

Lien for freight preserved after landing goods if notice of lien be given.

52. If the master or owner of any vessel or his agent, at or before the time of landing from such vessel any goods at any wharf, quay, stage, jetty or pier in the occupation of the board, gives to the board notice in writing that such goods are to remain subject to a lien for freight or other charges

payable to the shipowner to an amount to be mentioned in such notice, such goods shall continue liable to such lien to such amount.

53. Such goods shall be retained in the warehouses and sheds of the board, or with the consent of the Chief Officer of Customs in the public customs warehouses, at the risk and expense of the owners of the said goods until such lien is discharged as hereinafter mentioned ; and godown rent shall be payable by the party entitled to such goods for the time during which they may be so retained.

Retention of such goods until lien is discharged.

54. Upon the production to any officer appointed by the board in that behalf of a document purporting to be a receipt for, or a release from, the amount of such lien, executed by the person by or on whose behalf such notice has been given, the board may permit such goods to be removed without regard to such lien :

Discharge of shipowners' lien for freight.

Provided they shall have used reasonable care in respect to the authenticity of such document.

55. If the rates payable to the board in respect of any goods are not paid, or if the lien of the shipowner for freight or other charges when such notice as aforesaid has been given is not discharged, the board may, and in the latter event, if required by or on behalf of the person claiming such lien for freight, shall, at the expiration of two months from the time when the goods were placed in their custody, or, if the goods are of a perishable nature, at such earlier period (being not less than twenty-four hours after the landing of the goods) as they shall think fit, sell by public auction the said goods, or so much as may be necessary to satisfy the amounts hereinafter directed to be paid out of the produce of such sale.

If rates are not paid, or the lien for freight is not discharged, goods may be sold after the expiration of two months.

Before making such sale ten days' notice of the same shall be given by publication thereof in the Fort St. George Gazette, unless the goods are of so perishable a nature as, in the opinion of the board, to render their immediate sale necessary or advisable, in which event such notice shall be given as the urgency of the case admits of.

Notice of sale

If the address of the owner of the goods has been stated on the manifest of the cargo or in any of the documents which have come into the hands of the board, or is otherwise known, notice shall also be given to the owner of the goods by letter delivered at such address or sent by post ; but the title of a *bonâ fide* purchaser of such goods shall not be invalidated by reason of the omission to send the notice hereinbefore mentioned, nor shall any such purchaser be bound to inquire whether such notice has been sent.

Notice to owner.

56. The proceeds of every such sale shall be applied as follows :—

(a) in payment of the expenses of the sale ;

Application of sale-proceeds.

(VII.—Of the Powers and Functions of the Board. Secs. 57-60.)

(d) in payment, according to their respective priorities, of the liens and claims excepted in section 50 from the priority of the lien of the board ;

(e) in payment of the rates of landing, removing, storing or warehousing the same, and of all other charges due to the board in respect thereof.

The surplus, if any, shall be paid to the importer, owner or consignee of the goods, or to his agents, on his applying for the same :

Provided such application be made within one year from the sale, or reason be shown to the satisfaction of the board why such application was not so made ; and, in case such application shall not be so made or reason shown, such surplus shall be held by the board upon trust for the purposes of this Act.

Recovery of rates and charges by distraint of vessel.

57. If the master of any vessel in respect of which any rates, charges or penalties are payable under this Act, or under any rules or orders made in pursuance thereof, refuses or neglects to pay the same or any part thereof on demand, the board may apply to the Chief Officer of Customs of the port, and such officer shall distrain or arrest such vessel and the tackle, apparel and furniture belonging thereto, or any part thereof, and detain the same until the amount so due to the board is paid ;

and, in case any part of the said rates, charges or penalties, or of the cost of the distress or arrest, or of the keeping of the same, remains unpaid for the space of five days next after any such distress or arrest has been so made, the Chief Officer of Customs may cause the vessel or other thing so distrained or arrested to be sold, and, with the proceeds of such sale, shall satisfy such rates, charges or penalties and costs, including the costs of sale remaining unpaid, rendering the surplus (if any) to the master of such vessel on demand.

Port-clearance not to be granted till rates are paid.

58. If the board give to the officer of Government, whose duty it is to grant the port-clearance of any vessel, a notice stating that an amount therein specified is due in respect of rates, charges or penalties chargeable under this Act, or under any bye-laws or orders made in pursuance thereof, against such vessel, or by the owner or master of such vessel in respect thereof, or against or in respect of any goods on board such vessel, such officer shall not grant such port-clearance until the amount so chargeable has been paid.

Board not to lease rates without sanction of Government.

59. The board shall not lease, farm, sell or alienate any power vested in them under this Act of levying rates, without the assent of the Governor in Council.

Power to execute works.

60. The board may execute such works as they determine to be necessary or expedient for the purposes of the said harbour.

(VII.—Of the Powers and Functions of the Board. Secs. 61-64.)

61. Such works may include—

- (1) wharfs, quays, docks, stages, jetties and piers within the harbour or on the foreshore of the harbour, with all necessary and convenient arches, drains, landing-places, stairs, fences, roads, railways and approaches ;
- (2) tramways, warehouses, sheds, engines and other appliances for conveying, receiving and storing goods landed, or to be shipped or otherwise ;
- (3) laying down moorings for carrying out the purposes of this Act, and the erection of cranes, scales and all other necessary means and appliances for loading and unloading vessels ;
- (4) reclaiming, excavating, enclosing and raising any part of the foreshore of the harbour which may be necessary for the execution of the works authorized by this Act, or otherwise for the purposes of this Act ;
- (5) the construction and application of dredges and other machines for cleaning, deepening and improving any portion of the harbour or foreshore ;
- (6) the construction of such breakwaters and other works without the limits of the harbour as shall be expedient for the protection of the said harbour and all such other works and appliances as may be, in the opinion of the Board, expedient for carrying out the purposes of this Act.

General
nature of
works under
this Act.

62. The board may procure such steam-vessels as they think fit, and may employ the same or any of them in towing vessels into, out of or in the port ; and may make such charges for such towage as they think fit.

Power to
employ tugs.

63. The board may enter into contracts for carrying into effect the purposes of this Act.

Power to enter
into contracts.

But no such contract, whereof the value or amount exceeds fifty thousand rupees, shall be valid without the assent of the Governor in Council.

Contracts
above Rs.
50,000 not
valid without
sanction of
Government.

64. No new work, the estimated cost of which exceeds two thousand rupees, shall be commenced by the board, nor shall any contract be entered into by the board in respect of any such new work, until a plan and estimate of such work has been submitted to, and approved by, the board ; and, in case the estimated cost of any such new work shall exceed twenty-five thousand rupees, it shall not be commenced until such plan and estimate have been sanctioned by the Governor in Council.

Works to be
sanctioned by
Government.

(VII.—Of the Powers and Functions of the Board. Secs. 65-69.)

Mode of
executing
contracts.

65. The chairman may, for, and on behalf of, the board, enter into any contract, whereof the value or amount shall not exceed one thousand rupees, in like manner and form as if such contract were on his own behalf; but every other contract by, or on behalf of, the board shall be passed by the board and shall be in writing and signed by the chairman and by two trustees, and shall be sealed by the common seal of the board. No contract made otherwise than in compliance with the requirements of this and the last two preceding sections shall be valid.

Power to
compound or
compromise
claims.

66. The board may compound or compromise any claim or demand arising out of any contract entered into by them, or any action or suit instituted by or against them.

Government
may order
survey or
examination
of works.

67. The Governor in Council may, at any time, order a local survey or examination of any works of the board, or the intended site thereof; the cost of such survey and examination shall be borne and paid by the board out of the moneys in their hands by virtue of this Act.

Government
may restore
or complete
works.

68. If, at any time, the board allow any work constructed by them or vested in them under this Act to fall into disrepair;

or do not, within a reasonable period, complete any work commenced by them or included in any estimate sanctioned by the Governor in Council;

or do not, after due notice in writing, proceed to carry out effectually any works or repairs which are necessary in the opinion of the Governor in Council for the purposes of this Act,

the Governor in Council may cause such work to be restored or completed, or such repair to be carried out; and the cost of any such restoration, completion or construction shall be paid by the board; and, if the board do not within a reasonable time provide for such payment, the same shall be recoverable in the manner provided in Act XI of 1879 or any other Act for the time being in force as to the recovery by Government of public loans.

Government
may take
possession,
and revoke
powers of
board.

69. If, at any time, it appears to the Governor in Council that the works intended to be executed by the board under this Act have not been, and are not likely to be, properly carried out or maintained by the board, the Governor in Council may give six months' notice, by order published in the Fort St. George Gazette, that, unless within that period, the board take measures, to the satisfaction of the Governor in Council, for the carrying out or maintenance of the said works, the powers by this Act conferred on the board shall, at the end of such period, be cancelled. If, at the end of such period, the board have not taken such measures, the Governor in Council may assume possession and management of the works already constructed, and may, by a like notification, declare the powers of the board to be cancelled; and, upon

(VII.—Of the Powers and Functions of the Board. Secs. 70-73.)

publication of such notification, all immoveable and moveable property, all rights of levying and recovering rates and penalties, all benefit of contracts and all rights of suit which at the time are vested in the board, shall be transferred to, and vested in, the Secretary of State for India in Council; and the rights of all creditors of the board under this Act shall continue as against the said Secretary of State in Council to the extent of the property so transferred to and vested in him.

70. The board may, from time to time, make bye-laws¹—

Power to
frame bye-
laws.

for the guidance of persons employed by them under this Act;
for the safe and convenient use of the wharves, quays, jetties, sheds, warehouses, tramways and other works constructed by them or vested in them under this Act;

for the use of the public landing-places constructed by or vested in them;

² [for the reception, removal and portorage of goods brought within the premises of the board and for the exclusive conduct of these operations by the board or persons employed by them;]

for keeping clean the harbour and basins and the works of the board, and for preventing filth or rubbish being thrown therein or thereon;

for the mode of the payment of the rates leviable under this Act;

for regulating, declaring and defining the wharves, quays, jetties, stages and piers vested in the board on which goods shall be landed from vessels and shipped on board vessels; and

generally for carrying out the purposes of this Act.

71. The board may, from time to time, vary, alter or revoke any such bye-laws.

Power to
alter or cancel
bye-laws.

72. No such bye-law, or alteration or revocation of a bye-law, shall have effect until the same has been approved by the Governor in Council and has been published for three weeks successively in the Fort St. George Gazette.

Approval of
bye-laws by
Government.

73. The board may in such bye-laws prescribe such penalties as they shall deem fit for the infringement of the same:

Penalties for
infringement
of bye-laws.

Provided that no penalty for any one infringement of a bye-law shall exceed one hundred rupees, nor in case of a continuing infringement shall any penalty exceed fifty rupees per diem for every day after notice of such infringement shall have been given by the board to the person guilty of such infringement.

¹ For bye-laws made under this section, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II. p. 724; see also Fort St. George Gazette, 1899, Pt. I, p. 947.

² This clause was substituted for the original clause by s. 3 of Mad. Act I of 1892, *infra*, p. 922. This substitution took effect from 1st June, 1886.

(VII.—Of the Powers and Functions of the Board. Secs. 74-75. VIII.—Penalties. Secs. 76-79.)

Bye-laws and scales of rates and charges to be exhibited.

74. The board shall cause the said bye-laws and the scales of rates leviable by the board to be printed in the English, Telegu, Tamil and Hindustani languages, and to be hung up at the several wharves, docks and piers and other convenient places on the premises of the board.

Government may annul bye-laws.

75. The Governor in Council may, by an order published in the Fort St. George Gazette, at any time annul any such bye-law.

VIII.—PENALTIES.

For being interested in contracts with the board.

76. Any person who, being a trustee, or an officer or servant of the board, shall acquire, directly or indirectly, any share or interest in any contract or employment with, by or on behalf of the board, shall be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code¹: XLV of 1860.

Provided that nothing in this section shall apply to a person—

- (a) having a share in any joint stock company which shall contract with, or be employed by or on behalf of, the board ; or
- (b) having a share or interest in any newspaper in which any advertisement relating to the affairs of the board may be inserted ; or
- (c) interested in any loan of money to the board.

For obtaining illegal gratification.

77. Any person employed under this Act, not being a public servant within the meaning of section 21 of the Indian Penal Code¹, who shall accept or obtain, or agree to accept or attempt to obtain from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing, or forbearing to do, any official act, or for showing or forbearing to show, in the exercise of his official functions favour or disfavour to any person, or for rendering, or attempting to render, any service or disservice to any person with the board or with any public servant as such, or with the Government, shall be liable to the same punishment as is provided by the Indian Penal Code¹ in the case of the like offence committed by a public servant. XLV of 1860.

For refusing or neglecting to appear before an auditor of accounts, etc.

78. Any person who, when duly required so to do by any auditor of accounts under section 43, shall refuse or neglect to appear before such auditor, or to produce any books, deeds, contracts, accounts, vouchers, documents or papers, or to answer any question or prepare and submit any statement, shall be punishable for every such neglect or refusal with fine which may extend to one hundred rupees.

For depositing filth, etc., on the wharves or foreshore.

79. Any person who, without license of competent authority, wilfully deposits, or permits his servants to deposit, any dust, dirt, dung, ashes, refuse or filth of any kind, or broken glass, earthenware or rubbish, in or upon any wharf, dock or pier in the possession of the board, or in or upon any part of

¹ Printed General Acts, Vol. I, p. 240.

(VIII.—Penalties. Secs. 80-83.)

the foreshore of the port, shall be punishable with fine which may extend to ten rupees for each offence.

80. Any person, other than the board or the conservator of port, who shall, without first obtaining the written consent of the Governor in Council to his so doing, make, set up or fix, within harbour limits, any wharf, quay, pier, mooring or other erection whatsoever shall be punishable with fine which may extend to one thousand rupees, and to a further fine which may extend to one hundred rupees for every day during which he shall permit such wharf, quay, pier, mooring or other erection to remain after notice to remove the same has been given to him.

For setting up any erection below high water-mark in the port.

Any such wharf, quay, pier, mooring or other erection within harbour limits may be removed by the board, and the person who made, set up or fixed the same shall also be liable to pay all expenses which may be incurred by the board in the removal thereof.

81. If it be found, when goods are imported at, or exported from, any wharf, dock or pier in the possession of the board, that the weight or quantity of such goods has been understated in any document presented to any officer of the board for the purposes of enabling him to determine the rates payable in respect of the said goods or vessel, the owner of such goods shall be liable to pay to the board such sum, not exceeding twice the proper rates on the weight or quantity of goods so understated, as may be determined by the board, and the said sum shall, on the application of the board, be recoverable under a Presidency Magistrate's warrant as if it were a fine inflicted by such Magistrate.

For understating quantity or weight of goods, etc.

XLV of 1860. 82. Any person who removes or attempts to remove, or abets within the meaning of the Indian Penal Code¹ the removal of, any vessel or goods with the intention of evading payment of the rates lawfully due in respect thereof to the board, shall be punishable with fine which may extend to fifty rupees.

For evading tolls, etc.

83. If, through the negligence of any person having the guidance or command of any vessel, or of any of the mariners or persons employed on such vessel, damage shall be caused to any wharf, dock or pier or other work in the possession of the board, the amount of such damage shall, on the application of the board, be recoverable, together with the cost of such recovery, by distress and sale, under a Presidency Magistrate's warrant, of a sufficient portion of the boats, masts, spars, ropes, cables, anchors or stores belonging to such vessel :

Recovery of value of damage to any property of the board.

Provided that no such warrant shall issue until the master of such vessel has been duly summoned to appear, or, if he appears, until he has been

¹ Printed, General Acts, Vol. I, p. 240.

(VIII.—Penalties. Secs. 84-85. IX.—Miscellaneous. Secs. 86-88.)

heard; and provided also that no such warrant shall issue if the vessel was at the time under the orders of a duly authorized officer in the service of the board, or of the master attendant's department.

Cognizance
of offences
against this
Act.

84. Except as is otherwise provided in section 81, all offences against this Act or against any bye-law published under section 72 shall be cognizable by a Presidency Magistrate.

All moneys recovered from any offender by way of fine or damages shall be paid to the board.

Provisions of
the Criminal
Procedure
and Indian
Penal Codes
applicable to
offences
committed
under this
Act.
Provision
when day
appointed by
this Act for
any purpose
falls on a
sunday or
public
holiday.
Limitation
of suits,
etc.

85. The provisions of the Criminal Procedure Code¹ relating to execution, so far as the same are applicable, and sections 67, 68 and 69 of the Indian Penal Code,² shall apply to all offences committed and to all persons punished under the provisions of this Act.

XLV of
1860.

IX.—MISCELLANEOUS.

86. Whenever any day by this Act appointed for any purpose shall happen to be a Sunday or a public holiday, the business appointed to be done on such day shall be done on the day next after such Sunday or public holiday.

87. No suit or other proceeding shall be commenced against any person for anything done or purporting to have been done, in pursuance of this Act, without giving to such person one month's previous notice in writing of the intended suit or other proceeding, and of the cause thereof, nor after six months from the accrual of the cause of such suit or other proceeding.

The board shall not be responsible for any act or default of any officer or servant appointed under this Act, or of any master attendant, any harbour master or of any pilot or of any deputy or assistant of any of the officers aforesaid, or of any person acting under the authority or direction of any such officer, deputy or assistant;

nor for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers or other things belonging to the board;

nor shall the board, or any of the said officers or servants, be liable in damages for any act *bonâ fide* done, or ordered to be done, by them in pursuance of this Act.

Repeal.

88. From and after the [issuing of the second notification mentioned in

See now Act V of 1898, printed, General Acts, Vol. VI.

Printed, General Acts, Vol. I, p. 240.

² These words were substituted for the words "coming into operation" by s. 2 of Mad. Act III of 1886.

(Schs. A & B.)

section 2] of this Act, the Madras Harbour-dues Act, VI of 1882, is repealed save so far as it relates to offences committed, acts done and penalties incurred before this Act came into operation.

SCHEDULE A.

(Referred to in section 25.)

The north and south arms of the harbour with the area enclosed therein and all the foreshore lying within the limits of the port as defined in this Act, excepting only that piece of ground situated east of the Beach Road being known as the custom-house iron-yard and now in the occupation of the Emigration Department, and also the piece of ground situated east of the same road occupied by the office of the Deputy Commissioner of Police.

2. The pier, the jetties constructed and the moorings laid down by Government, and any line of railway constructed by the Government for the purposes of the harbour within the aforesaid limits.

SCHEDULE B.

(Referred to in section 29.)

SCHEDULE OF THE SUMS REFERRED TO IN SECTION 29 CALCULATED ACCORDING TO THE ESTIMATE OF THE TOTAL COST OF THE HARBOUR WORKS FROM THE 1ST DAY OF APRIL, 1883.

	Estimated Cost of Work.
	Rs.
Machinery, Tools and Plant	} 2,15,917
Preliminaries and Stores	
North Pier	19,98,120
South Pier	17,28,125
Establishment	4,03,434
Lighting Entrance	20,000
Moorings	4,197
Contingencies	2,83,891
Other Charges	957
Total	<u>46,54,64</u>

SCHEDULE C.

(Referred to in section 36.)

FORM OF DEBENTURE.

THE TRUSTEES OF THE HARBOUR OF MADRAS.

No. *The* *188* .
 By virtue of the Act No. of 1885¹ of the Council of the Governor of Madras for making Laws and Regulations, entitled the Madras Harbour Trust Act, 1885,¹ we, the Trustees of the Harbour of Madras, in consideration of the sum of Rs. paid to us by A.B., of , promise to pay to the said , or order, the said sum of Rs. after the date hereof, together with interest at the rate of per centum per annum, payable half-yearly on the day of and the day of .
 Given under our Corporate seal this day of 188 .
 (*Signatures of the Chairman and two Trustees.*)



Of the Corporation.

ACT No. III of 1886.²

[31st March, 1886 ; 21st April, 1886.]

An Act to amend Madras Act II of 1886.³

Preamble.

WHEREAS it is expedient to amend Madras Act II of 1886,³ entitled an Act to provide Trustees for the Harbour of Madras; It is enacted as follows :—

Amendment
of section 2,
Act II of
1886.

1. For section 2 of the said Act the following section shall be substituted, namely :—

[*Vide supra*, p. 810.]

Amendment
of sections
25, 88 and
29.

2. In sections 25 and 88 of the said Act, for the words “coming into operation” shall be read the words “issuing of the second notification mentioned in section 2”; and in section 29, for the words “this Act coming into

¹ *Sic.* Read ‘No. II of 1886.’

² Short title, “The Madras Harbour Trust (Amendment) Act, 1886”—see the Repealing and Amending Act, 1901 (XI of 1901).

For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement, dated 24th March, 1886, p. 1; for Proceedings in Council, see *ibid* dated 7th April, 1886, p. 2.

³ *Supra*, p. 810

operation" shall be read the words "the issuing of the second notification mentioned in section 2."

ACT No. IV OF 1886.¹

[9th April, 1886; 10th June, 1886.]

An Act to provide for the prevention of injury to Railways from the escape or overflow of water from irrigation-works situated upon the lands of Zamíndárs or other Landholders.

WHEREAS it is expedient to provide for the prevention of injury to lines of railway from the escape and overflow of water from rivers, tanks, channels or irrigation-works situated upon the lands of landholders; It is hereby enacted as follows:—

Preamble.

1. This Act may be called the Railway Protection Act, 1886.

Short title.

It extends to the territories for the time being administered by the Governor in Council of Fort St. George.

Local extent

2. In this Act,

the term "landholders" shall be taken to include all persons holding under a sanad-i-milkiyat-i-istimrar, all other zamíndárs, shrotriendárs, jagirdárs, inámdárs and all persons farming the land-revenue under Government, but shall not include holders of lands under raiyatwári settlement:

"Landholders."

"railway" means a railway for the public conveyance of passengers or goods:

"Railway."

it includes—

- (a) all land within the fences or other boundary-marks prescribed under section 52, Act IV of 1879² (India);
- (b) all lines of rail, sidings or branches worked over for the purposes of, or in connection with, a railway;
- (c) all stations, offices, warehouses, fixed machinery and other works constructed for the purposes of, or in connection with, a railway;

"irrigation-works" means and includes tanks, river-channels, embankments, sluices, weirs, revetments and other works of a like description situated upon the lands of landholders.

"Irrigation-works."

¹ For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 9th October, 1885, p. 3; for Report of the Select Committee, see *ibid* dated 23rd December, 1885, p. 1; for Proceedings in Council, see *ibid* dated 21st August, 1885, p. 11; *ibid* dated 23rd October, 1885, p. 19; and *ibid* dated 7th April, 1886, p. 2.

The Act came into force on 1st September, 1886—see Fort St. George Gazette, 1886, Pt. I, p. 692.

² See now Act IX of 1890, General Acts, Vol. V.

Collector of the district may inspect irrigation-works.

3. The Collector of the district or any officer appointed by him on that behalf may at any time enter upon the lands of any landholder and inspect, or cause to be inspected, any irrigation-works which shall be so situated within such lands that any railway may appear liable to be injured from the escape or overflow of water therefrom.

When Collector considers measures should be taken to protect a railway, he shall cause plans and estimates of the necessary measures to be prepared.

4. Whenever it shall appear necessary to the Collector that measures should be taken in respect of any irrigation-work for the protection of any railway, he shall cause to be prepared plans and estimates specifying the measures which, having regard to the safety of the railway and the interests of the landholders, tenants and other persons concerned, he may think necessary, and he shall also record a statement showing with reasons how far, in his opinion, the landholder in possession of, or having control over, the said works is liable to contribute towards the expenses to be incurred in carrying out the said measures. Such statement shall contain—

- (1) a description of the works upon which the measures are to be executed ;
- (2) the name of any landholder who, to the best of the Collector's information and belief, is in possession of, or has control over, such works ;
- (3) the proportion, if any, of the estimated expenditure which is to be borne by the landholder.

The Collector shall cause copies of a Vernacular translation of such statement to be fixed in some conspicuous place or places in the village or villages to which the said works belong.

Collector to send the plans and estimates to the landholder concerned, with an order to him to take the measures specified or to show cause why he should not do so.

5. The Collector shall, upon the completion of the plans, estimates and statement mentioned in the last preceding section, send copies thereof to the landholder named in the statement as being in possession of, or having control over, the irrigation-works described therein, together with an order in writing requiring the landholder so named as aforesaid within a reasonable time fixed in the notice to carry out the measures specified in the said plans and estimates, or to appear before the Collector and show cause why he should not carry out the same.

Collector may cancel or modify the order.

6. If the landholder appears before the Collector and satisfies him, after such inquiry as he thinks fit, that he is not the landholder in possession of, or having control over, the works named in the statement, or that other measures than those proposed may, with due regard to the safety of the railway, be adopted for the protection thereof, or that he ought not to bear the whole or any part of the cost which he has been called upon to bear for the purpose of

carrying out the proposed measures, the Collector shall cancel or modify the order accordingly.

7. If the order is not cancelled by the Collector, he shall by a written notice call upon the landholder so named as aforesaid to carry out, within a reasonable time to be named in the notice, the measures specified in the order as originally issued or modified, as the case may be. The notice shall contain a copy of such order.

If the order is not cancelled, Collector to call upon the landholder by notice to execute the measures.

8. Pending such an inquiry by the Collector or at any time within thirty days of the date when the copy of the notice is fixed as aforesaid, it shall be lawful for the tenants or other persons concerned to appear before the Collector and make such representations as they may think fit with regard to the nature of the proposed measures.

Tenants and others interested may make representation to the Collector as to the nature of proposed measures.

9. In the event of the measures specified in the order mentioned in section 7 not being carried out within the time fixed, the Collector shall report the matter for the orders of the Governor in Council, who may direct that the proposed measures be carried out, or pass such other orders as he may deem fit. A copy of the order of the Governor in Council shall be sent to the landholder and shall be published in the Gazette of the district or districts concerned.

If landholder fails to execute the measures, the Collector shall report the matter to the Government, who may direct the execution of measures.

10. After the execution of the said measures, the Collector shall cause to be served upon the landholder a memorandum showing the total cost incurred in the execution of the same, and the sum which, in the opinion of the Collector, the landholder is liable to pay, together with a notice requiring him to pay the same within a time to be fixed in such notice.

After execution of measures, notice to be served on landholder to pay cost of measures.

11. In cases in which, in the opinion of the Collector of any district in which any irrigation-work may be situated, the immediate execution of any measures in respect of such work is necessary for preventing serious danger to life or property, or serious obstruction to public traffic upon any railway, he may order the execution of such measures, and shall without unnecessary delay record a statement showing the grounds of his opinion and the material facts of the case. A copy of the statement shall be served upon the landholder who, according to the Collector's information, is in possession of, or has control over, such work, together with a memorandum showing the nature of the measures executed, the total cost thereof, and the sum which, in the opinion of the Collector, the said landholder is liable to pay, and with a notice calling upon him, within a reasonable time to be fixed therein, to pay the same, or

Procedure in case of emergency.

to appear before the Collector and show cause why he should not pay the same.

Collector to decide what sum the landholder is liable to pay.

12. If the landholder appears before the Collector and shows cause under section 11, the Collector shall, after such inquiry as he may deem fit, decide what sum, if any, the landholder is liable to pay, and shall cause a notice to be served upon him calling upon him to pay the same within a time to be fixed therein.

Collector may appoint assessors in inquiry regarding landholder's liability.

13. In the inquiry held by the Collector under section 6 or section 12, the Collector may, on the application of the landholder, appoint, for the purpose of ascertaining the liability of the landholder and the extent thereof, not more than five assessors, of whom not less than half shall be nominated by the Collector and the remainder by the landholder ;

may summon such assessors to attend at such place and time as the Collector thinks fit ; and

may fix a time within which they are to submit their opinion.

If landholder neglects or refuses to pay, Collector may file a suit.

14. If any landholder, upon whom a notice shall have been served under section 10, section 11 or section 12, shall neglect or refuse to pay the sum mentioned therein in whole or in part, the Collector may file a suit in the Civil Court for the recovery of the said sum or such part thereof as may remain unpaid.

Court to try the case as provided by the Civil Procedure Code.

15. The Court shall thereupon proceed to try the suit and pass a decree in the manner provided by the Code of Civil Procedure¹ for the hearing of suits : XIV of 1882.

Provided that the said landholder shall not in any such suit be held liable in an amount exceeding that which he, in the exercise of due and proper care as a landholder, would have expended on the maintenance of the works mentioned in the order made as aforesaid.

Compensation to landholder for loss or damage caused by protective measures.

16. Any landholder or other person shall be entitled to reasonable compensation for any loss or damage occasioned to him by, or in the course of the execution of, any of the measures taken under section 5 or section 7 or section 9 or section 11. The amount of such compensation shall be fixed by the Collector after such inquiry as he may deem fit.

Collector may appoint assessors in inquiry regarding compensation.

17. For the purposes of this inquiry the Collector may, on the application of the claimant, appoint not more than five assessors, of whom not less than half shall be nominated by the Collector and the remainder by the claimant ;

may summon such assessors to attend at such place and time as the Collector thinks fit ; and

may fix a time within which they are to submit their opinion.

¹ Printed, General Acts, Vol. IV.

18. In the event of the Collector and the said landholder or other person being unable to agree as to the amount of such compensation, it shall be lawful for the said landholder or other person to file a suit in the Civil Court for the recovery of such compensation.

If landholder is dissatisfied with the compensation awarded, he may file a suit. Notice how to be served.

19. Every notice given under the provisions of this Act shall, if practicable, be served personally on the person to whom it is addressed ; or, if he cannot be found, the notice may be left at his usual or last known place of abode with some adult member of his family, servant or agent, or may be sent by a registered letter, or may be put upon some conspicuous part of his usual or last known place of abode, and shall thereby be deemed to have been duly presented or served.

20. The Governor in Council may, by notification published in the Fort St. George Gazette, and in the Gazette of the district or districts concerned, from time to time authorize any revenue-officer not below the rank of Deputy Collector to exercise any of the powers of a Collector under this Act, and may in like manner at any time withdraw or modify such authority.

Government may authorize Revenue-officer to exercise powers of Collector.

MADRAS ACT No. I OF 1888.¹

[26th January, 1888 ; and 20th April, 1888.]

An Act to empower Local Authorities to guarantee Interest on, or to create a Fund for Re-payment of, Capital expended on certain purposes.

WHEREAS it is expedient to empower local authorities to charge their funds with the payment of interest on capital applied to the carrying out of works to the execution of which the funds of the local authority can legally be applied ; It is hereby enacted as follows :—

Preamble.

1. This Act shall be called the Local Authorities' Loan Act, 1888. It extends to the whole of the Madras Presidency * * * * *

Short title, extent and commencement.

2. In this Act "local authority" means any district or municipal board constituted under the provisions of Acts IV³ and V of 1884³ (Madras) or other such law for the time being in force : and

Local authority.

"funds," used with reference to any local authority, means any district or

Funds.

¹ For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 15th November, 1887, p. 1 ; for the Report of the Select Committee, see *ibid* dated 3rd January, 1888, p. 1 ; for Proceedings in Council, see *ibid*, Supplement dated 29th November, 1887, p. 4 ; *ibid*, 24th January, 1888, p. 1.

The words "and shall come into force upon the passing thereof," were repealed by the Repealing and Amending Act, 1901 (XI of 1901)—see the Third Schedule, Part III.

Printed, *supra*, pp. 48, and 683, respectively.

municipal fund to the control or management of which such authority is entitled, and any rates, taxes or tolls leviable by, and any property vested in, such authority.

Power of local authority to guarantee payment of interest on, or to create a fund for re-payment of, capital expended on any work to which the funds may be applied.

3. The Local Government, with the previous sanction of the Governor General in Council, may authorize any local authority, either severally or in conjunction with any other local authority, to charge its funds or any part thereof by way of guarantee for the payment of interest on, or by the creation of a fund for the re-payment of, moneys expended or to be expended on any work or for any of the purposes to which such funds might be by law applied.

Remedy by attachment if engagements not fulfilled.

4. In the event of default being made by a local authority in the fulfilment of engagements entered into under the last preceding section, the Governor in Council may, on the application of a person entitled under such engagements, attach the funds made subject to charge on account thereof. After such attachment, no person, except an officer appointed in this behalf by the Governor in Council, shall in any way deal with the attached funds; but such officer may do all acts in respect thereof which the local authority might have done if such attachment had not taken place, and may apply the proceeds to the discharge of the liabilities incurred and in payment of all costs due in respect thereof, and of all expenses caused by the attachment and subsequent proceedings consequent thereon :

Attachment not to defeat prior charges legally made.

Provided that no such attachment shall defeat or prejudice any debt for which the funds attached were previously pledged in accordance with law ; but all such prior charges shall be paid out of the proceeds of the funds before any part of the proceeds is applied to the satisfaction of a liability incurred under this Act.

Power of Government to make rules.

5. The Governor in Council may, from time to time, make rules consistent with this Act as to—

- (1) the nature of the funds on the security of which interest may be guaranteed ;
- (2) the works for the carrying out of which the payment of interest may be guaranteed ;
- (3) the manner of making application for sanction to give such guarantee ;
- (4) the inquiries to be made in relation to such applications and the manner of conducting such inquiries ;

(Sec. 1.)

- (5) the inspection of any works carried out under any contract in respect of which the payment of interest is guaranteed under this Act ;
- (6) the accounts to be kept by the person or corporate body with whom such contract is made and for the inspection of the same ;
- (7) attachment of the funds and the manner of collecting or disposing of them ;

and as to all other matters incidental to carrying this Act into effect.

All such rules shall be published in the Fort St. George Gazette.

The Governor in Council may, in like manner, from time to time, cancel or alter such rules.

Cancellation
or alteration
of rules.

MADRAS ACT No. II OF 1888.¹

[12th April, 1888 ; 31st May, 1888.]

An Act to provide for the Inspection and Licensing of Places of Public Resort and Entertainment.

WHEREAS it is expedient to provide for the inspection of places of public resort* and entertainment, and for the licensing of the same by competent authority ; It is hereby enacted as follows :—

Preamble.

1. (1) This Act may be called the Places of Public Resort Act, 1888.

Short title.

* * * * *

²(3) It extends to all towns in the Madras Presidency which have been or may hereafter be declared to be municipalities under Madras Act IV of 1884,³ or other Act of the same nature for the time being in force, and the Governor in Council may, from time to time, by notification in the Fort St. George Gazette, extend it permanently or for a time or for specified occasions only, from such date as may be specified in the notification, to any other local area in the Presidency of Fort St. George outside the limits of the municipality of Madras, and may cancel or modify any such notification.

Local extent.

(4) Nothing in this Act shall apply to any church, temple, mosque or other place of public worship.

Saving.

¹ For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 8th November, 1887, p. 19 ; for Report of the Select Committee, see *ibid* dated 31st January, 1888, p. 1 ; for Proceedings in Council, see *ibid* dated 29th November, 1887, p. 5, and *ibid* dated 27th March, 1888, p. 11.

²Sub-s. (2), relating to the Act coming into force upon its being passed, was repealed by the Repealing and Amending Act, 1901 (XI of 1901)—see the Third Schedule, Part III.

³ For notifications under this sub-section, see list on pp. 725 and 726 of Madras List of Local Rules and Orders, Ed. 1898, Vol. II.

⁴ Printed, *supra*, p. 548.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context,—

“Chairman of Municipal Council” means the Chairman of a Municipal Council appointed under Madras Act IV of 1884,¹ or other Act relating to district municipalities in the Presidency of Fort St. George for the time being in force :

“Magistrate” means a Magistrate appointed under the Code of Criminal Procedure :²

“building” includes any house, hut, shed or roofed enclosure.

No enclosed place or building with area of five hundred square feet to be used for public resort without a license.

Application for license : what it must contain.

3. Within any area in which this Act is in force, no enclosed place or building, whether permanent or temporary, having an area of five hundred square feet or upwards, shall be used for public resort or entertainment, unless a license has been previously obtained in the manner hereinafter provided.

4. When any person desires to obtain a license to use any enclosed place or building for public resort or entertainment, or to construct any enclosure or building for such purpose, he shall send an application to the authority named in section 5, setting forth the name of the owner of the place or building, its situation, size and description, the material of which the enclosure or building is made or proposed to be made, whether it is, or is proposed to be, permanent or temporary, and the purpose for which it is proposed to be used.

Authority to whom application should be made.

5. Such application shall be made to the Chairman of the Municipal Council, if the enclosed place or building is within a municipal town, and in every other case to any Magistrate having jurisdiction over the local area in which the place or building is situated.

The authority shall inspect and may require addition or alteration to place or building.

6. Upon the receipt of any such application, the authority to whom application is made shall inspect the place or building in respect of which a license is required, and may call on the applicant, by notice in writing, to make any alteration or addition in the material or arrangement of the enclosure or building, or in the precautions for the safety of the public to be assembled therein, and may refuse to grant a license until the alteration or addition is made.

When authority to grant license.

7. If the authority is satisfied—

(a) that the enclosed place or building may safely be used for the purpose of public resort or entertainment proposed ;

¹ Printed, *supra*, p. 548.

² See now Act V of 1893, General Acts, Vol. VI.

(b) that no objection, arising from its situation, ownership or the purpose proposed exists,

he shall give to the applicant a written license, signed by him, specifying the enclosure or building and the purpose for which it is to be used. Such license shall be in such form and subject to such fee and conditions as the Governor in Council may from time to time by rule direct.

If the authority is not satisfied as aforesaid, he may refuse to grant a license, recording his reasons for refusal in writing.

8. Every license granted under this Act shall state the period for which it is to continue in force, and shall cease to be in force on the expiration of that period.

License to state period for which it is to be in force.

9. Any authority granting a license under this Act may, for reasons recorded in writing, revoke or suspend the same when he has reason to believe—

Revocation or suspension of license.

(a) that the license has been fraudulently obtained ;

(b) that the enclosed place or building has been used for other purposes of public resort or entertainment than that for which the license was granted ;

(c) that the place or building can no longer be safely used for the purpose for which the license was granted.

10. (1) Any applicant for a license under this Act may appeal from any order made under section 6, 7 or 9, unless such order has been made by the Magistrate of the district.

Appeal against order under section 6, 7 or 9.

(2) The appeal shall be made within thirty days from the day on which the applicant received the order appealed against.

(3) In a municipal town the appeal shall lie to the Municipal Council, and in every other local area to the Sub-divisional Magistrate, or, if the original order was made by a Sub-divisional Magistrate, to the Magistrate of the district.

(4) The appellate authority shall have the same power to inspect and to require alteration or addition in the enclosed place or building as the authority to whom application is made under section 5, and may either grant or withhold the license or make such other order as it thinks fit.

11. It shall be lawful for any Magistrate or officer of Police in charge of a station or of higher rank than head constable to enter at any time any enclosure or building for which license is required under this Act, to inspect the license if any has been issued, and, if there is no license or if the conditions of the license are not observed, and if he sees reason to apprehend

Power to enter place of public resort to inspect license or to prevent further use.

imminent danger to the public, to prevent the further use of such enclosure or building as a place of public resort or entertainment.

District Magistrate may revise any proceedings under this Act.

12. The District Magistrate may call for and examine the record of any proceeding taken under this Act, may call for any report in connection therewith, may make or cause to be made any further inquiry, and may pass any order which the authority holding the proceeding might have passed.

Penalties.

13. Every person who, having the immediate control of any enclosed place or building, permits it to be used for public resort or entertainment without having obtained a license, or, having obtained a license under this Act, permits such use in contravention of any of the conditions of such license, shall be liable, on conviction before a Magistrate, to a fine which may extend to five hundred rupees.

Power to make rules.

14.¹ The Governor in Council may, at any time after the passing of this Act, and from time to time, make rules consistent with this Act, for carrying out the purposes thereof, and may amend or cancel the same. All such rules shall be published in the Fort St. George Gazette, and shall come into force on the day on which they are so published or on such later date as may be specified in the notification publishing them.

THE MADRAS CITY POLICE ACT, 1888.

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MADRAS ACT III OF 1888.¹

[12th April, 1888 ; and 26th June, 1888.]

An Act to regulate the Police of the City of Madras.

WHEREAS it is expedient to amend and consolidate the provisions of the laws for regulating the Police of the City of Madras ; It is enacted as follows :—

1. (1) This Act may be cited as the Madras City Police Act, 1888. Short title.
- (2) It extends to the whole of the City of Madras as defined in section 3. Local extent.
- (3) * * * * *²
2. [Enactments repealed.] *Rep. by the Repealing and Amending Act, 1901 (XI of 1901).*
3. In this Act, unless there be something repugnant in the subject or context,— Interpretation-clause.

“City of Madras” includes all places within the local limits of the ordinary original jurisdiction of the High Court of Judicature of Madras : “City of Madras.”

“Commissioner” means the Commissioner of Police for Madras appointed under section 5 : “Commissioner.”

“conviction” means the conviction of the accused person before a Presidency Magistrate : “Conviction.”

¹ For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 8th November, 1887, p. 17 ; for Report of the Select Committee, see *ibid* dated 31st January, 1888, p. 1 ; for Proceedings in Council, see *ibid* dated 29th November, 1887, p. 2, and *ibid* dated 27th March, 1888, p. 8.

² The words “It shall come into force at once” were repealed by the Repealing and Amending Act, 1901 (XI of 1901)—see the Third Schedule, Part III.

"Imprisonment." "imprisonment" means imprisonment of either description as defined in the Indian Penal Code :¹ XLV of 1860.

"Common gaming-house." "common gaming-house" means any enclosure, room or place in which cards, dice, tables or other instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using or keeping such enclosure, room or place, whether by way of charge for the use of instruments of gaming or of the enclosure, room or place, or otherwise howsoever :

"Cattle." "cattle" includes horned cattle, horses, asses, mules, sheep, goats, swine, camels and elephants.

Police Superannuation Fund. 4. Nothing in this Act contained shall operate to deprive any person who on the first day of September, 1867, was a subscriber to the Town Police Superannuation Fund constituted under Act XIII of 1856² of any of the privileges which he would have had under sections 18 and 19 of that Act.

Appointment and removal of Commissioner of Police. 5. The administration of the Police of the City of Madras shall be vested in an officer to be styled the Commissioner of Police for Madras, who shall from time to time be appointed by the Governor in Council of Fort St. George, and may be removed by the same authority :

Administration of Police employed at railway-stations, etc., may be vested in the Inspector-General of Police. ³ Provided that the Governor in Council may, by notification in the Fort St. George Gazette, which he may cancel or vary, at any time direct that the administration of such of the Police within the City of Madras as are or may be employed at any railway-stations or any railway-premises or within the limits of any railway or part of any railway situated within the limits of the City of Madras, shall be vested in the Inspector-General of Police ; and from and after the issue of such notification the power under this Act of the Commissioner and of his deputies or assistants in respect of such Police shall cease, and the Inspector-General of Police and under his control such officers as shall be appointed by the Governor in Council to be Superintendent or Assistant Superintendent of Railway Police, shall as regards such Police exercise all the powers of the Commissioner of Police under this Act, save that the power conferred on the Commissioner by section 10 shall, in respect of such Police, be exercised by the Inspector-General of Police alone.

Appointment and removal of Deputies or Assistants to the Commissioner. 6. The Government may, from time to time, appoint one or more Deputies or Assistants to the Commissioner, who shall be competent to perform any of the duties or exercise any of the powers assigned to that officer as Commissioner under his orders. Any Deputy or Assistant Commissioner may be removed by order of the Governor in Council.

¹ Printed, General Acts, Vol. I.

² Repealed in Madras Presidency by Mad. Act VIII of 1867, which is also repealed.

³ This proviso was added by s. 1 of Mad. Act III of 1898.

7.¹ The Commissioner shall by virtue of his office be a Presidency Magistrate, but shall exercise his powers as Magistrate subject to such orders as may from time to time be issued by the Governor in Council: Provided that he shall not exercise any powers under Chapters XVIII, XX or XXI of the Code of Criminal Procedure, 1882.²

Commissioner's powers as a Magistrate.

8. The Commissioner, his Deputies and Assistants, shall by virtue of their office be Justices of the Peace; but shall act as such only so far as may be necessary for the preservation of the peace, for the prevention of offences for the detection, apprehension and detention of offenders, and for the performance of the duties assigned to the Commissioner by this Act.

Commissioner and his Deputies and Assistants to be Justices of the Peace.

9. For the City of Madras there shall be a Police-force which shall consist of such number of officers and men and shall be otherwise constituted in such manner as shall from time to time be ordered by the Governor in Council.

Constitution of Police-force.

10. The Commissioner may, from time to time, subject to the control of the Governor in Council, frame orders and regulations for the general government of the force.

Rules for the government of the force to be made by the Commissioner subject to the control of Government.

11. The appointment of the members of the force shall rest with the Commissioner, and he may at any time, subject to the control of the Governor in Council, fine, suspend, reduce or dismiss any member thereof: Provided that no fine shall exceed one month's pay.

Commissioner to appoint and may fine, suspend, reduce or dismiss members of the force.

12. Every member of the force shall receive on enrolment a certificate in the following form under the signature of the Commissioner:—

Members of the force to receive certificates of enrolment.

FORM.

"A. B. has been appointed a member of the Madras City Police-force and is invested with the powers, functions and privileges of a Police-officer."

By virtue of such certificate, he shall be vested with the powers, functions and privileges of a Police-officer, and such certificate shall cease to have effect whenever the person named in it is suspended or dismissed, or otherwise ceases to be employed in the force.

¹ For notifications under this section, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, p. 726.

² See now Act V of 1898, General Acts, Vol. VI.

Members of force not to resign without leave or notice.

13. No member of the force shall be at liberty to resign his office, or to withdraw himself from the duties thereof, without the written permission of the Commissioner or until after the expiry of two months from the date of his giving to the Commissioner a notice in writing of his intention to do so; and every member of the force, who shall so resign or withdraw himself, shall be liable, at the discretion of the Commissioner, to forfeit the whole or part of any arrears of pay then due to him; and shall in addition be liable on conviction to fine not exceeding fifty rupees, or to imprisonment not exceeding two months, or to both.

Member ceasing to belong to the force to deliver up certificate, clothing, accoutrements, etc.

14. Every member of the force shall, on ceasing to belong thereto, forthwith deliver up to the Commissioner, or to such person and at such time and place as shall be directed by the Commissioner, his certificate and all clothing, accoutrements and other articles supplied to him for the execution of his duty and in default thereof shall be liable on conviction to fine not exceeding two hundred rupees, or to imprisonment not exceeding six months, or to both. And it shall be lawful for the Commissioner, or for any Magistrate, to issue his warrant to search for and seize all the clothing, accoutrements and other articles which shall not be delivered up, wherever the same may be found.

Penalty for neglect or violation of duty.

15. For neglect or violation of duty in his office, and for any breach of the orders and regulations framed as aforesaid, every member of the force, besides being suspended or dismissed from his employment as hereinbefore provided, shall be liable on conviction to fine not exceeding one hundred rupees, or to imprisonment not exceeding three months, or to both.

Police enrolled under Act XXIV of 1859 to have powers of Police in City of Madras.

16. Every Police-officer appointed under the provisions of Act XXIV of 1859¹ may at any time be employed in the City of Madras, and whilst so employed shall have the same duties, powers and privileges, and be subject to the same authority, as Police-officers appointed under this Act.

Appointment of special constables.

17. The Commissioner may, of his own authority, appoint any able-bodied male person between the ages of eighteen and fifty-five to be a special constable to assist the Police-force on any temporary emergency.

Powers of special constables.

18. Every special constable so appointed shall have the same powers, privileges and protection, and shall be liable to perform the same duties, amenable to the same penalties, and subordinate to the same authorities, as the ordinary officers of police.

Penalty for special constable

19. If any person being appointed a special constable as aforesaid shall, without sufficient excuse, neglect or refuse to serve as such or to obey such

¹ Printed, *supra*, p. 131.

(Secs. 20-24.)

lawful order or direction as may be given to him for the performance of his duties, he shall be liable on conviction to fine not exceeding fifty rupees.

neglecting or refusing to serve.

20. It shall be lawful for the Commissioner, with the sanction of the Governor in Council to be notified in the Fort St. George Gazette and in such other manner as the Government may direct, to employ any Police-force in excess of the ordinary fixed complement to be quartered in any street or in any part of the City of Madras which shall be found to be in a disturbed or dangerous state, or in any part of the said city in which, from the conduct of the inhabitants, he may deem it expedient to increase the number of Police. The inhabitants of the street or part of the city described in the notification shall be charged with the cost of such additional Police-force, or with such part thereof as Government may direct, and the Commissioner shall assess the proportion in which the amount is to be paid by the inhabitants, according to his judgment of their respective means.

Powers to quarter additional Police in disturbed parts of the City.

21. On the application of any person, the Commissioner may appoint for such time as he shall think fit additional constables to keep the peace at any place within his jurisdiction at the charge of such person, but subject to the orders of the Commissioner: Provided that, on the expiry of one month from the receipt of notice in writing from the applicant or his representative, the Commissioner shall discontinue such constables.

Appointment of additional constables on application of private individuals.

22. All sums of money payable under the last two preceding sections shall be recoverable by suit in any competent Court or by distress and sale of the goods of the defaulter under the warrant of a Magistrate.

Recovery of moneys due.

23. Every Police-officer shall, for the purposes of this Act, be considered to be always on duty. He shall not engage without the written permission of the Commissioner in any duty other than his duties under this Act. It shall be his duty to use his best endeavours and ability to prevent offences and public nuisances; to preserve the peace; to apprehend disorderly and suspicious characters; to detect and bring offenders to justice; to take charge of all unclaimed property; to seize and impound stray cattle; to collect and communicate intelligence affecting the public peace, and promptly to obey and execute all orders and warrants lawfully issued to him; and it shall be lawful for every Police-officer, for any of the purposes mentioned in this section, without a warrant to enter and inspect any drinking shop, gaming-house or other place of resort of loose or disorderly characters.

Duties of Police-officers.

24. Any Police-officer may arrest without a warrant any person committing in his view any offence made punishable by this Act.

Police-officer may arrest without warrant on view of offence.

Apprehension of offenders by private individual.

25. Whoever commits an offence affecting the person or property of another may, if his name and address be unknown, be apprehended by the person injured or in charge of the property concerned, or by any person acting in aid of such person, and may be detained until he give his name and address and satisfy such person that the name and address so given are correct, or until he can be delivered into the custody of a Police-officer.

Powers to search for stolen property in certain cases without warrant.

26. Any Police-officer above the rank of constable having reasonable ground to suspect that stolen property is concealed or lodged in any dwelling-house or other place, and is likely to be removed before a search-warrant can be obtained, may search such house or place subject to the general provisions in the Code of Criminal Procedure, 1882,¹ relating to searches.

X of 1882.

Seizure of property regarding which an offence is suspected.

27. Any Police-officer may seize any property or thing which may be found in the possession of any person, where the possession by such person of such property or thing creates a reasonable suspicion of the committal of an offence; and such seizure shall be forthwith reported to the Commissioner, who shall thereupon make such order respecting the custody or production of the property as he shall think proper.

Pawnbrokers, etc., to report stolen property if tendered for pawn or sale.

28. Any officer of Police may deliver to any pawnbroker, dealer in second-hand property or worker in metals a list of any property believed to have been stolen, and thereupon it shall be the duty of such pawnbroker, dealer or worker as aforesaid, upon any article answering the description of any of the property set forth in any such list being offered him in pawn, for sale, or otherwise, to inquire the name and address of the party offering such article, to seize and detain the article, and forthwith to communicate to the nearest police-station the fact of such article having been offered and such name and address as may be given by the party offering it. Any pawnbroker, dealer or worker as aforesaid failing to comply with the requirements of this section without reasonable excuse shall be liable on conviction to fine not exceeding fifty rupees for every such offence. Such pawnbroker, dealer or worker as aforesaid may also detain any person offering such article as aforesaid pending the arrival of the Police.

Power to fix periods within which stray dogs may be killed.
Power to take charge of, and deliver to party entitled to,

29. The Commissioner may, by order in writing, to be affixed at the principal police-stations and also to be published in some public newspaper, appoint, from time to time, certain periods within which any dogs found straying and unmuzzled may be destroyed.

30. Whenever any person dies intestate leaving moveable property within the City of Madras under two hundred rupees in value, such property may be taken charge of by the Police, and it shall be lawful for the Commissioner

¹ See now Act V of 1898, Printed, General Acts, Vol. VI.

(Secs. 31-35.)

to order the said property to be delivered, without requiring the production of any probate, letters of administration, certificate or other such conclusive evidence of title and upon such terms as he may think fit, to any person who may appear to him to be entitled thereto;¹ and such delivery shall be a full discharge to the Commissioner, and to the Secretary of State for India, from all liability in respect of such property.

moveable property under two hundred rupees in value of persons dying intestate.

X of 1882.

31. The provisions of sections 523, 524 and 525 of the Code of Criminal Procedure, 1882,² shall, as nearly as may be practicable, apply to all property seized or taken charge of by the Police.

Certain provisions of Code of Criminal Procedure, 1882, to apply.

32. The Commissioner shall keep in his office such standard weights and measures³ as may be from time to time prescribed or declared to be correct by the Governor in Council; and weights and measures shall be held to be false when they do not agree with such standards; and, on conviction being had under Chapter XIII of the Indian Penal Code,⁴ the weights and measures which formed the subject-matter of the charge shall be forfeited and destroyed.

Commissioner to keep standard weights and measures.

33. Any Police-officer above the rank of constable may enter any shop or premises for the purpose of inspecting the weights and measures and instruments for weighing or measuring kept or used therein, and may seize any weight, measure or instrument for weighing or measuring which he may have reason to believe is false.

Power of Police to enter shops to inspect weights, etc.

34. No enclosed place or building having an area of five hundred square feet or upwards shall be used for public entertainment or resort without a license from the Commissioner.

Places of public resort to be licensed.

35. No enclosed place or building shall be used as an eating-house, coffee-house, boarding-house, lodging-house, hotel, tavern, wine, beer or spirit shop, arrack or toddy shop, gymnasium or fencing-school, or for the sale or consumption of any intoxicating drug or liquor,⁵ without a license from the Commissioner: Provided that nothing in this section shall apply to the sale in reasonable quantities of any drug or substance for medicinal purposes only, or to any gymnasium or fencing-school of any educational institution controlled or recognized by the Governor in Council.

Eating-houses, hotels, wine-shops, fencing-schools, etc., to be licensed.

¹ As to saving of this provision from the operation of the general succession law, see the Administrator General's Act, 1874 (II of 1874), s. 66, printed, General Acts, Vol. II.

² See now Act V of 1898, printed, General Acts, Vol. VI.

³ As to standard measures, see the Measures of Length Act, 1889 (II of 1889), s. 7, printed, General Acts, Vol. V.

⁴ Printed, General Acts, Vol. I, p. 240.

⁵ As to sale of intoxicating drugs or liquors, see the Mad. Abkari Act, 1886 (Mad. Act I of 1886), Pt. IV, printed, *supra*, p. 792.

Conditions
for issue of
licenses
under
sections 34
and 35.

36. Licenses under the last two preceding sections may be granted by the Commissioner upon such conditions as he, subject to the control and direction of the Governor in Council, may prescribe, and for such period not exceeding one year as may be stated in the license: Provided that, in regard to any liquor or drug for the sale of which a license is required under any law for the time being in force for the regulation of the excise-revenue, a license shall be granted by the Commissioner only to persons holding license under such law and shall have force only while such license subsists.

Penalty for
omission to
procure
license as
required
by section 34
or 35.

37. Whoever keeps or uses or permits to be kept or used any enclosed place or building requiring a license under section 34 or 35, without having obtained a license as therein required, shall be liable on conviction to fine not exceeding fifty rupees for every day on which such place or building is so used.

Power to
enter and
inspect
licensed
places
and
unlicensed
places
believed to
be used
contrary to
the Act.

38. The Commissioner may, by order in writing, authorize any Police-officer above the rank of constable, with such assistance as may be required, to enter and inspect any closed place or building licensed under section 36 at any time when it is open for the reception of persons resorting thereto, and may, after recording his reasons in writing, likewise authorize any such officer to enter and inspect any place not licensed which the Commissioner has reason to believe to be used contrary to the provisions of section 34 or 35.

Power to
make rules
for
regulation
of places of
public
entertainment.

39. The Commissioner may make rules for ensuring order and decency and for the public safety at all places of public entertainment or resort, and for regulating the times during which the places referred to in sections 34 and 35 shall be allowed to be open or used, and from time to time may rescind or alter such rules; and, in case of breach of any such rules or of the conditions of a license granted under section 36, may order such places to be closed, and while such order is in force such places so ordered to be closed shall be deemed to be unlicensed places.

Service of
copy of
order on
owner.

40. A copy of any order passed under the last preceding section shall be served on the owner, occupier or keeper of any such place as aforesaid, and if thereafter he does or permits any act in disobedience to such order, he shall be liable on conviction to imprisonment not exceeding three months, or to fine, or to both.

Power to
regulate
processions
in public
streets, keep
order, etc.

41. The Commissioner, or, subject to his orders, any Police-officer above the rank of head-constable, may, from time to time, as occasion may require, direct the conduct of all assemblies and processions in the public roads, streets or thoroughfares; prescribe the routes by which and the times at which such processions may pass; keep order in the public roads, streets, thoroughfares,

landing-places and all other places of public resort, and prevent obstructions on the occasion of such assemblies and processions, and in the neighbourhood of places of worship during the time of public worship, and in any case when the roads, streets, thoroughfares, landing-places or places of public resort may be thronged or liable to be obstructed; and may license and regulate the use of music in the streets; and the Commissioner may prohibit any assembly or procession if he considers such prohibition to be necessary for the preservation of the public peace or public safety; and every person opposing or not obeying any order issued as aforesaid, or violating the conditions of any such license, shall be liable on conviction to a fine not exceeding one hundred rupees.

42. If the Commissioner has reason to believe that any enclosed place or building is used as a common gaming-house, he may by his warrant give authority to any Police-officer above the rank of a constable to enter, with such assistance as may be found necessary, by night or by day and by force if necessary, any such enclosed place or building, and to arrest all persons found therein, and to seize all instruments of gaming and all moneys and securities for money and articles of value reasonably suspected to have been used or intended to be used for the purpose of gaming which are found therein, and to search all parts of such enclosed place or building and also the persons found therein.

Commissioner may grant warrant to enter common gaming-house.

43. Any cards, dice, gaming table or cloth, board or other instruments of gaming found in any enclosed place or building entered or searched under the provisions of the last preceding section, or on any person found therein, shall be evidence that such enclosed place or building is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Police-officer or any of his assistants.

Cards, dice, etc., found in search under last section to be evidence that place is a common gaming-house.

44. It shall not be necessary, in order to convict any person of keeping a common gaming-house or of being concerned in the management of any common gaming-house, to prove that any person found playing at any game was playing for any money, wager or stake.

Proof of playing for stakes unnecessary.

45. Whoever opens, keeps or uses or permits to be used any common gaming-house, or conducts or assists in conducting the business of any common gaming-house, or advances or furnishes money for gaming therein, shall be liable on conviction to fine not exceeding five hundred rupees, or to imprisonment not exceeding three months, or to both.

Penalty for opening, etc., a common gaming-house.

46. Whoever is found gaming or present for the purpose of gaming in a

Penalty for being found

gaming in a common gaming-house. common gaming-house shall on conviction be liable to fine not exceeding two hundred rupees or to imprisonment not exceeding one month; and any person found in any common gaming-house during any gaming or playing therein shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

Instruments of gaming may be ordered to be destroyed on conviction. 47. On conviction of any person for keeping a common gaming-house, or being present therein for the purpose of gaming, all the instruments of gaming found therein may be destroyed by order of the Magistrate, and such Magistrate may order all or any of the other articles seized, or the proceeds thereof, to be forfeited.

Indemnification of witnesses. 48. Any person who shall have been concerned in gaming contrary to this Act, and who shall be examined as a witness before a Magistrate on the trial of any person for a breach of any of the provisions of this Act relating to gaming, and who upon such examination shall make true and faithful discovery to the best of his knowledge of all things as to which he shall be so examined, and who shall thereupon receive from the said Magistrate a certificate in writing to that effect, shall be freed from all prosecutions under this Act for anything done before that time in respect of such gaming.

Saving of games of skill. 49. Nothing in sections 42 to 48 of this Act shall be held to apply to games of mere skill wherever played.

Payment of portion of fine to informer or Police. 50. The Magistrate may direct any portion, not exceeding one-half, of any fine which shall be levied under sections 45 and 46 of this Act, and of the moneys or proceeds of articles seized and ordered to be forfeited under section 47, to be paid to informers or Police-officers who may have assisted in the detection of the offender.

Penalty for cheating at games. 51. Whoever by any fraud or unlawful device or malpractice in playing at or with cards, dice or other game, or in bearing a part in the stakes, wagers or adventures, or in betting on the sides or hands of the players, or in wagering on the event of any game, sport, pastime or exercise, wins from any other person for himself or for any other or others any sum of money or valuable thing, shall be deemed guilty of cheating punishable under section 417 of the Indian Penal Code.¹

Brothels. 52. If the Commissioner has reason to believe that a house is used as a common brothel, or lodging-house for prostitutes, or disorderly persons of any description, he may summon the owner or tenant of the house, and on being satisfied that the house is so used and is a source of annoyance and offence to the neighbours, may order the owner or tenant to discontinue such use of it.

XLV of 1860.

53. Whoever cruelly beats, ill-treats or tortures any animal, or causes any animal to be cruelly beaten, ill-treated or tortured, shall be liable on conviction to fine not exceeding one hundred rupees, or to imprisonment not exceeding three months, or to both. Penalty for cruelty to animals.

54.¹ The Governor in Council may from time to time appoint places to be infirmaries for the care and treatment of animals in respect of which an offence has been committed under the last preceding section, and may nominate fit persons to give certificates of discharge from such infirmary. Appointment of infirmary for animals.

55. Upon conviction of an offence under section 53 of this Act, a Magistrate may after due inquiry order that the animal in respect of which the offence has been committed shall either be destroyed or be sent for care and treatment to an infirmary; and the Magistrate may by his order direct that the reasonable expenses of such care and treatment, or any portion thereof, shall be paid by the owner of such animal. Magistrate may order animal to be destroyed or sent to infirmary.

56. Every animal so sent for treatment may be detained at the infirmary until its discharge is authorized by a person nominated under section 54; and thereupon the person in charge of the infirmary shall give notice to the owner of the animal, requiring him to pay any sum due under the order of the Magistrate on account of the care and treatment of the animal, and to remove it from the infirmary within forty-eight hours from the service of such notice. Animals sent to infirmary may be detained and shall be removed after notice.

57. If the owner shall refuse or neglect to pay the sum due and to remove the animal within the time specified in section 56, any Magistrate may direct that the animal be sold, and that the proceeds, deducting costs of sale, be applied to the payment of the sum due. Any surplus shall, on application within two months from date of sale, be paid to the owner of the animal, and in default of such application shall be forfeited to Government, but the owner shall not be liable to make any payment in excess of the net proceeds of such sale. In default of payment by owner of charges, etc., animal may be sold.

58. Any Magistrate may, at any time and upon such terms as he thinks fit, direct that any animal detained under the provisions of section 55 of this Act shall be delivered to the owner thereof. Magistrate may order delivery of animal to owner.

59. All costs of inquiries under section 55 of this Act shall be recoverable in the manner provided for the levying of fines from such persons connected with the enquiry as the Magistrate may direct. Costs of inquiries.

60. It shall be lawful for all persons to seize any cattle found straying upon any road, street or thoroughfare, or trespassing on any public or private Stray animals to be impounded.

¹ For instance of a notification under the powers conferred by this section, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II.

(Secs. 61-62.)

grounds, and to confine such cattle in any pound appointed by the Commissioner, and if such cattle shall not be redeemed by the owners within ten days after being so impounded by paying to the person having charge of such pound the fee of eight annas for every goat, sheep or pig, and one rupee for every other animal, together, with the expenses of feeding the same while impounded, according to such daily rate as may from time to time be fixed by the Commissioner, such cattle shall be publicly sold, and the proceeds of such sale, after paying the said fee and the expenses of feeding, shall be paid to the owners thereof, or, in default of their claiming such proceeds for the space of fifteen days after such sale, shall be credited to any fund applicable to Police purposes.

Powers of
Police on the
occasion of a
fire.

61. On the occasion of a fire in the City of Madras, the Commissioner or any Police-officer above the rank of constable may—

- (a) remove or order the removal of any persons who by their presence interfere with or impede the operations for extinguishing the fire or for saving life or property, and may close any street or passage in or near which any fire is burning ;
- (b) by himself or those acting under his orders break into or through, or pull down, or use for the passage of hoses or other appliances any premises for the purpose of extinguishing the fire, doing as little damage as possible ;
- (c) cause the mains and pipes of any district to be shut off so as to give greater pressure of water in the place where the fire has occurred ;
- (d) call on the persons in charge of any fire-engine to render such assistance as may be possible ; and
- (e) generally, take such measures as may appear necessary for the preservation of life and property.

Any damage done on the occasion of fires by members of any fire-brigade or by Police-officers or their assistants in the due execution of their duties shall be deemed to be damage by fire within the meaning of any policy of insurance against fire. But nothing in this section shall exempt any officer of Police or any member of any fire-brigade from liability to damages on account of any acts done by him without reasonable cause.

Cost of
establish-
ments,
etc., for

62. All charges on account of establishments and appliances for extinguishing fire maintained by the Police under the orders of the Governor in Council for general use, and all expenses incurred on the occasion of any fire

(Secs. 63-67.)

by the Police in the execution of their duty, shall be paid by the Municipal Commissioners for the City of Madras upon the Commissioner certifying the amount thereof.

extinguish-
ing fire to be
defrayed by
the Muni-
cipality.
Penalty for
wilful tres-
pass.

63. Whoever without reasonable excuse wilfully enters into or on any dwelling-house or other building, or on any land or ground attached thereto, or on any boat or vessel, or on any ground belonging to the Governor in Council or appropriated to public purposes, shall be liable on conviction to fine not exceeding twenty rupees.

64. Whoever is found between sunset and sunrise—

- (1) armed with any dangerous instrument with intent to commit an offence, or
- (2) having his face covered or otherwise disguised with intent to commit an offence, or
- (3) in any dwelling-house or other building, or on board any vessel or boat, without being able satisfactorily to account for his presence there, or
- (4) lying or loitering in any bazar, street, road, yard, thoroughfare or other place, being a reputed thief and without being able to give a satisfactory account of himself, or
- (5) having in his possession without lawful excuse any implement of house-breaking,

Penalty for
being found
armed
between
sunset and
sunrise
intending to
commit an
offence, etc.

may be arrested by any Police-officer without a warrant, and shall be liable on conviction to imprisonment for any term not exceeding three months.

65. Whoever is found in possession or is proved to have been in possession of anything which there is reason to believe to be stolen property or property fraudulently obtained and for the possession of which he fails satisfactorily to account, shall be liable on conviction to fine not exceeding one hundred rupees, or to imprisonment not exceeding three months.

Penalty for
possession of
property
believed to
have been
stolen.

66. Whoever, without the knowledge and consent of the owner, buys any article from any child apparently under the age of fourteen years, or takes any article as a pawn, pledge or security for any sum of money lent or advanced to such child, shall be liable on conviction to fine not exceeding one hundred rupees.

Penalty for
buying or
taking pledge
from a child.

67. Whoever introduces, or attempts to introduce, into Fort St. George or into any military barracks, guard-room or encampment or on board any vessel of war belonging to Her Majesty any spirituous or fermented liquor or intoxicating drug or preparation, without the license in writing of the Commanding Officer and not intended for some person above the rank of non-commissioned

Penalty for
introducing
spirits, etc.,
into barracks
or on board
vessels of
war.

officer, shall be liable on conviction to fine not exceeding one hundred rupees, or to imprisonment not exceeding two months, and such liquor, drug or preparation, and the vessels containing the same, shall be liable to be forfeited.

Penalty for introducing spirits, etc., into hospitals.

68. Whoever introduces, or attempts to introduce, without due permission into any public hospital, any spirituous or fermented liquor or intoxicating drug or preparation shall be liable on conviction to fine not exceeding fifty rupees, or to imprisonment not exceeding two months.

Penalty for carrying weapon without authority.

69. Whoever, not being a soldier or sailor in the Army or Navy of the Queen or a Police-officer or a member of a Volunteer corps, goes armed with any sword, spear, gun or other offensive weapon in any public place, unless by leave of the Commissioner, shall be liable to be disarmed by any Police-officer, and the weapon so seized shall be forfeited to Government unless redeemed by payment of such fine not exceeding ten rupees as the Commissioner may impose.

Penalty for harbouring deserters from vessels.

70. Whoever wilfully harbours or conceals any seaman or apprentice belonging to any vessel knowing or having reason to believe such seaman or apprentice to be a deserter, shall be liable on conviction to fine not exceeding one hundred rupees.

Penalty for certain offences in public street.

71. Whoever, in any public street, road, thoroughfare or place of public resort, commits any of the following offences, shall be liable on conviction to fine not exceeding fifty rupees, or to imprisonment which may extend to one month:—

Rash or negligent driving.

i. Whoever drives or rides any animal, or drives, drags or pushes any vehicle in a rash or negligent manner.

Causing obstruction by negligence in driving cattle.

ii. Whoever by negligence or ill-usage in driving cattle causes any mischief or obstruction by such cattle.

Driving, etc., elephant or camel without Commissioner's permission.

iii. Whoever drives, rides or leads any elephant or camel without permission from the Commissioner.

Driving, etc., without lights.

iv. Whoever drives, drags or pushes any vehicle at any time between half an hour after sunset and one hour before sunrise without a sufficient light, except when there may be sufficient moonlight to render such light unnecessary.

(Sec. 71.)

- v. Whoever without reasonable cause shall drive, drag or push any vehicle, otherwise than on the near or left side of the road. Driving, etc., otherwise than on near or left side of road.
- vi. Whoever drives, drags or pushes any vehicle without springs on any road or street except on the side thereof. Driving, etc., vehicles without springs otherwise than on side of road.
- vii. Whoever leads or rides any animal, or drives, drags or pushes any vehicle, upon any foot-way, or fastens any animal so that it can stand across or upon any foot-way. Driving, etc., animal or vehicle on foot-way.
- viii. Whoever permits any cattle or vehicle to be under the control of a child under the age of twelve years. Permitting cattle or vehicle to be under control of child.
- ix. Whoever, being in charge of any vehicle or cattle, leaves it or them at such a distance as not to have the same under due control. Leaving vehicle or cattle without due control.
- x. Whoever cleans or exposes for show, hire or sale any animal or vehicle, or makes or repairs any part of any vehicle except in cases of accident where repair on the spot is necessary, or trains or breaks any horse except in such places and at such times as may be allowed by the Commissioner. Exposing for show animal or vehicle, making or repairing vehicle, or training horses except as allowed by Commissioner
- xi. Whoever causes any vehicle to remain or stand longer than may be necessary for loading or unloading, except at places appointed for the purpose by the Commissioner, or fastens any horse or other animal so as to cause obstruction; or in any way wilfully obstructs or causes obstruction to the free passage of any thoroughfare. Obstructing thoroughfare.
- xii. Whoever negligently lets loose any horse, or suffers any ferocious dog to be at large without a muzzle, or sets on or urges any dog or other animal to attack, worry or put in fear any person or cattle. Letting loose horses or ferocious dogs.
- xiii. Whoever conveys through the streets any article which projects more than five feet in front or behind the vehicle or vehicles on which it is placed. Conveying article which projects more than five feet.

Flying a
kite,
wantonly
frightening
horse, etc.

- xiv. Whoever flies a kite or wantonly frightens any horse, or in driving, dragging or pushing any vehicle creates a noise reasonably calculated to cause danger to the persons using the thoroughfare.

Playing
music,
beating
tom-tom, etc.

- xv. Whoever beats a drum or tom-tom, or blows a horn or trumpet, or beats or sounds any brass or other instrument or utensil, or plays any music except at such times and places as shall be, from time to time, allowed by the Commissioner.

Affixing bills
or defacing
walls.

- xvi. Whoever without the consent of the owner or occupier affixes or causes to be affixed any bill, notice or other paper upon any building, wall or fence, or writes upon or defaces or marks any such building, wall or fence.

Bathing in ;
public street
or aqueduct.

- xvii. Whoever bathes or washes himself or any other person, or any animal or clothing, except in a place set apart for such purpose.

Intruding
on or fouling
bathing-
place.

- xviii. Whoever obstructs or incommodes a person bathing at any place set apart as a bathing-place by wilful intrusion, or by washing cattle or dogs at or near such place, or in any other way.

Using
indecent or
threatening
language.

- xix. Whoever uses any indecent, threatening, abusive or insulting words or behaves in a threatening or insulting manner, or posts up or affixes or exhibits any indecent, threatening, abusive or insulting paper or drawing with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned.

Soliciting for
prostitution.

- xx. Whoever solicits or molests any passenger for the purpose of prostitution.

Begging.

- xxi. Whoever begs or applies for alms, or exposes or exhibits any sores, wounds, bodily ailment or deformity with the object of exciting charity or of extorting alms.

Penalty for
gambling or
cock-fighting
in street.

72. Whoever is found gaming with cards, dice, counters, money, or other instruments of gaming in any public street, place or thoroughfare, or publicly fighting cocks, or present as a spectator of such gaming or cock-fighting, shall be liable on conviction to fine not exceeding fifty rupees, or to imprisonment not exceeding one month ; and such instruments of gaming and money shall be forfeited.

Penalty for
committing
nuisance in
street.

73. Whoever in or by the side of or near to any public street, thoroughfare, or place of public resort, wilfully and indecently exposes his person, or commits a nuisance by easing himself, and whoever having the care or custody of any child under seven years of age omits to prevent such child from

committing a nuisance as aforesaid, shall be liable on conviction to fine not exceeding fifty rupees.

74. Whoever, except at such times and places as the Commissioner may allow, in or near any street, road or thoroughfare lights any bonfire, sets fire to or burns any straw or other matter, discharges any fire-arm or air-gun, lets off or discharges any firework, or sends up any fire-balloon, or permits such act to be done in premises over which he has control, shall be liable on conviction to fine not exceeding fifty rupees. In the event of any such act being done within any private premises, the person having the immediate control of such premises shall be deemed to have permitted the act, unless he can prove that the act was committed without his knowledge.

Penalty for lighting bonfire, burning straw, discharging fire-arm, etc., in or near any street.

75. Whoever is found drunk and incapable of taking care of himself, is guilty of any riotous, disorderly or indecent behaviour in any street or thoroughfare, in any place of public amusement or resort, or on board any passenger boat or vessel, and whoever is guilty of any violent, disorderly or indecent behaviour in any Police-court, office, or station, shall be liable on conviction to fine not exceeding fifty rupees, or to imprisonment not exceeding one month, or to both.

Penalty for drunkenness or riotous or indecent behaviour in street, etc.

76. For any breach of any of the conditions of a license granted under this Act the offenders shall be liable on conviction to fine not exceeding one hundred rupees, and such fine may be recovered from the person licensed notwithstanding that such breach may have been owing to the default or carelessness of his servant or agent in charge of the shop or place. Any person so convicted shall also be liable to the forfeiture of his license at the discretion of the Commissioner.

Penalty for breach of conditions of licenses.

77. For every license or permission granted under this Act, the Commissioner may levy such fees not exceeding two rupees as may from time to time be fixed by the Governor in Council.¹

Fee for license.

78. The Governor in Council may make bye-laws consistent with this Act for more effectually carrying out the objects thereof and for the preservation of order, and may from time to time repeal, alter or amend any such bye-law.

Power to make bye-laws.

79. Every bye-law shall be published in the Fort St. George Gazette in English, Tamil, Telegu and Hindustani; and no bye-law shall have effect until the expiration of one month from the date of its first publication in the Fort St. George Gazette.

Bye-laws to be published in English and Vernacular.

¹For notification fixing scale of fees, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, p. 727.

²For bye-laws under this section, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, p. 727.

Madras City Police. [1888: Mad. Act III.
(Secs. 80-82. *Schedule.*)

Madras Village Courts. [1889: Mad. Act I.
(*Chap. I.—Preliminary. Sec. 1.*)

Penalty for
breach of
bye-law.

80. For any breach of any such bye-law the offender shall be liable on conviction to fine not exceeding ten rupees or to imprisonment not exceeding one week.

Limitation of
actions.

81. On account of anything done under the provisions of this Act, no action shall be brought after the expiration of six months, and no prosecution shall be instituted after the expiration of three months, from the date on which the act complained of shall have been committed. And no action shall lie in respect of any act on account of which a criminal prosecution has been instituted and failed.

Saving of
penalty
provided by
other law.

82. Nothing in this Act contained shall be construed to prevent any person from being liable under any other law to any other or higher punishment than is provided by this Act: Provided that no person shall be punished twice for the same offence.

SCHEDULE.¹

MADRAS ACT No. I OF 1889.²

[1st December, 1888; 30th January, 1889.]

An Act to consolidate and amend the law relating to the Courts of Village Munsifs in the Presidency of Fort St. George.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the Courts of Village Munsifs in the Presidency of Fort St. George; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title

1. (1) This Act may be called the Madras Village Courts Act, 1888,

¹ The Schedule to this Act was repealed by the Repealing and Amending Act, 1901 (XI of 1901)—see the Third Schedule, Part III.

² For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 20th December, 1887, p. 13; for Report of the Select Committee, see *ibid* dated 15th May, 1888, p. 1; for Proceedings in Council, see *ibid* dated 24th January, 1888, p. 1, and *ibid* dated 13th November, 1888, p. 14.

and shall come into force at once except that clauses (2) to (8), both inclusive, of section 9 shall only come into force under an order by the Governor in Council provided for in clause (1) of that section. and com-
mencement.

(2) It extends to the territories subject for the time being to the Governor in Council of the Presidency of Fort St. George, except the Scheduled Districts as defined in Act No. XIV of 1874¹ and the Town of Madras: Provided that the Governor in Council may, by notification in the Fort St. George Gazette, from time to time withdraw any village or area from its operation and cancel such notification. Local extent

2. [*Enactments repealed.*] *Rep. by the Repealing and Amending Act, 1901 (XI of 1901).*

3. All suits pending in the Courts of Village Munsifs at the time of this Act coming into force shall be deemed to have been instituted under this Act, and all decrees passed by Village Munsifs before such date may be executed under the provisions hereinafter contained relating to execution of decrees passed under this Act. Application
of Act to
suits or
decrees
pending.

4. When any village or area is withdrawn from the operation of this Act, all suits pending in a Village Court therein shall be heard and determined and all decrees passed by such Courts and remaining unexecuted shall be executed by the Civil Court which, if the suit were about to be instituted, would have jurisdiction to try it. Procedure
for suits and
decrees
pending in
area with-
drawn from
Act.

Such suits shall be tried and such decrees shall be executed as suits instituted in, and decrees passed by, such Civil Court.

5. In this Act, unless there be something repugnant in the subject or context,— Interpreta-
tion-clause.

“village” means in a permanently-settled estate a local area for which at the passing of this Act there is a Village Munsif’s Court constituted under Madras Regulation IV of 1816² or for which a Village Court has been established under this Act; and elsewhere a local area recognized by Government from time to time as a village for purposes of collecting the land-revenue: “Village.”

“Village Munsif” means the Judge of the Court of a Village Munsif established under this Act: “Village
Munsif.”

“Village Court” shall include a Bench constituted under section 9:

“Village
Court.”

¹ Printed, General Acts, Vol. II.

² Repealed by this Act.

“District Judge” and “District Munsif.”

“District Judge” or “District Munsif” means the District Judge or District Munsif within the local limits of whose jurisdiction the Village Court is situate.

CHAPTER II.

ESTABLISHMENT AND CONSTITUTION OF VILLAGE COURTS.

Establishment of Village Courts.

6.¹ The Governor in Council may from time to time, by order to be notified in the District Gazette,—

- (1) group two or more villages and establish one Village Court for them in lieu of the several Village Courts previously existing therein ;
- (2) constitute divisions in any village, and establish a separate Village Court for each of such divisions in lieu of the Village Court previously existing in such village ;
- (3) establish a new Village Court for any specified area.

A Village Court established under this Act shall be held before a Village Munsif appointed or a Bench of more than one Judge constituted as herein-after provided.

Appointment of Village Munsif.

7. Village Munsifs shall be appointed by the Collector of the district subject to such rules² as the Governor in Council may from time to time prescribe : Provided that no person not residing within the village shall be eligible for that office.

Suspension or removal of Village Munsif.

8. The Collector of the district may suspend or remove a Village Munsif for incapacity, neglect of duty, misconduct or other just and sufficient cause, and shall do so, on a requisition passed by the District Judge, for like cause appearing in the judicial proceedings of a Village Munsif.

From every order suspending or removing a Village Munsif, an appeal may be made within three months to the Board of Revenue, if the order was passed by the Collector without orders from the District Judge, or to the High Court if passed upon such orders. The decision of the Board of Revenue or High Court, as the case may be, on all such appeals shall be final.

¹ For notifications under this section, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, p. 727.

² For rules, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, p. 727.

(*Chap. II.—Establishment and Constitution of Village Courts, Sec. 9.*)

9. ¹(1) The Governor in Council may, by order to be notified in the District Gazette, direct that the following clauses of this section be brought into force from any specified date in any village, or in the villages within any area, and may from time to time modify or cancel such order.

Provisions concerning Benches; their application to any village by notification.

²(2) For every village in respect of which such an order is in force, and subject to any rules which the Governor in Council may make on this behalf, the Collector shall prepare and maintain a list of the persons residing in the village and qualified to sit as members of a Bench for the trial of suits brought under this Act. Such list shall be hung up in the Court-house of the Village Munsif.

List to be maintained of persons qualified to serve on Bench.

(3) In any suit which may be instituted before the Village Court of any such village, the plaintiff in his plaint or the defendant in his answer may claim that the suit shall be tried by a Bench of three Judges, and nominate as a member of such Bench any person named in the list mentioned in clause (2) of this section: Provided that such person is not his servant, dependant, relative or tenant, or personally interested in the result of the suit.

Either party to a suit may claim trial by Bench.

(4) When the plaintiff has nominated such a person in his plaint the defendant shall, by the summons, be requested to nominate one also. When the defendant has demanded a Bench and nominated such a person, the plaintiff shall be required to nominate one also. When any person nominated to serve on a Bench declines or is unable to act, the party who nominated him shall be required to make a fresh nomination.

Nomination of members of Bench.

After two clear days from the date of a requisition under this clause, if it has not been complied with, the Village Munsif shall himself select from the list a person to serve on the Bench on behalf of the person so making default.

(5) The Village Munsif shall summon the two persons nominated or selected as aforesaid to sit together with himself for the trial of the suit.

Members of Bench to be summoned by Munsif.

(6) The Village Munsif shall be the President of such Bench and shall regulate the procedure and issue all summonses, notices and the like in his own name, but the decree shall run in the name of all the three members of the Bench. If the members of the Bench cannot agree, the opinion of the majority shall prevail.

Procedure.

¹ For notifications under this sub-section, see *Madras List of Local Rules and Orders*, Ed. 1898, Vol. II, pp. 728 to 738.

² For rules under this sub-section, see *Madras List of Local Rules and Orders*, Ed. 1898, Vol. II, p. 739.

(Chap. II.—*Establishment and Constitution of Village Courts. Secs. 10-12*

Chap. III.—*Jurisdiction, Res Judicata and Limitation. Sec. 13.*)

Liability to
serve on
Bench.

(7) No person summoned under this section to serve on a Bench shall be bound to sit for more than three days in any month: Provided that every such person shall be bound to attend the trial of any case which has been commenced before him until its completion.

Penalty for
refusing or
omitting to
serve.

(8) Whoever, being duly summoned under this section to serve on a Bench, without reasonable excuse declines or omits to do so, shall on conviction before a Magistrate be liable to a fine not exceeding twenty rupees.

Village-kar-
nam to assist
Munsif in
keeping re-
gister of
suits and
record of pro-
ceedings.

10. The Village Munsif shall keep a register of suits preferred to the Village Court and shall write the proceedings of the Court, and it shall be the duty of the village-karnam, if so required, to assist in keeping such register and in writing the proceedings of the Court.

Village-
servant to
serve
summonses,
etc.

11. It shall be the duty of the village-servant usually employed in carrying messages to serve all summonses, notices and orders issued under this Act and to act under the orders of the Village Munsif in seizing, selling and delivering moveable properties attached under this Act.

Collector
may appoint
any person
in lieu of, or
in addition
to, village-
karnam and
village-
servant.

12. It shall be competent to the Collector¹ of the district, subject to the control of the Governor in Council, to appoint any person in lieu of, or in addition to, the village-karnam, or the village-servant mentioned in section 11, to perform the duties prescribed by sections 10 and 11, respectively.

CHAPTER III.

JURISDICTION, RES JUDICATA AND LIMITATION.

Cognizance
of suits by
Village
Courts.

13. The following are the suits which shall be cognizable by Village Courts, namely:—claims for money due on contract, or for personal property, or for the value of such property, when the debt or demand does not exceed in amount or value the sum of rupees twenty, whether on balance of account or otherwise:

Proviso.

Provided that no action shall be brought in any such Court—

(1) on a balance of partnership account unless the balance shall have been struck by the parties or their agents;

(2) for a share or part of a share under an intestacy, or for a legacy or part of a legacy under a will;

¹ For notification limiting the powers of Collectors in making appointments, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, p. 729.

(Chap. III.—*Jurisdiction, Res Judicata and Limitation.* Secs. 13-19.)

(3) for rent for land, unless such rent be due upon a written contract signed by the defendant ;

(4) by or against Government or public officers in their official capacity ;

(5) by and against minors or persons of unsound mind.

14. With the written consent of both parties executed before the Court, a Village Court may hear and determine suits of the nature described in section 13, the amount or value of which shall not exceed two hundred rupees. Jurisdiction up to Rs. 200 with consent.

15. Subject to the provisions contained in section 16, every suit brought under this Act shall be instituted in the Court of the Village Munsif within the local limits of whose jurisdiction all the defendants at the time of the commencement of the suit reside, or carry on business, or personally work for gain. Court in which suit to be instituted.

16. No Village Munsif shall try any suit to which he is a party, or in which he is personally interested, or shall adjudicate upon any proceeding connected with, or arising out of, such suit. Every such suit or proceeding may be instituted in the Court of the Munsif of any village immediately adjoining. Suit in which Court is personally interested.

17. No Village Court shall try any suit brought on a cause of action which has been heard and determined by a Court of competent jurisdiction in a former suit, between the same parties, or those under whom they claim. *Res judicata.*

18. Every suit instituted in a Village Court shall include the whole of the claim which the plaintiff is entitled to make in respect of the cause of action, but he may relinquish any portion of his claim in order to bring the suit within the jurisdiction of such Court. Suit to include whole claim.

If a plaintiff omit to sue in respect of, or intentionally relinquish, any portion of his claim, he shall be precluded from bringing a fresh suit for or in respect of the portion so omitted or relinquished. Relinquishment of part of claim.

19. If, in the decision of a suit cognizable by a Village Court under sections 13 and 15, it becomes necessary to decide incidentally any matter in dispute between the parties to the suit, concerning title to immoveable property or the legal character of either of them, or of those under whom they claim, or the existence of any contract or obligation which, if it had been the immediate subject-matter of the suit, would not be cognizable under this Act by a Village Court, it shall be competent to the Village Court to decide such question of title, legal character, contract or obligation as far as may be necessary for the determination of such suit, but such decision shall not be evidence of such title, legal character, contract or obligation in any other action, though between the same parties or their representatives. Incidental determination of matters not cognizable by Village Courts.

(Chap. III.—*Jurisdiction, Res Judicata and Limitation. Secs. 20-21.*

Chap. IV.—*Of the Institution and Frame of Suits, Recognized Agents, the Issue and Service of Summons on Parties, Adjournments and Consequences of Non-appearance. Secs. 22-24.*)

Limitation. 20. The provisions of the Indian Limitation Act, 1877,¹ shall apply to **XV** of 1877. suits and applications under this Act :

Proviso. Provided that no suit or application shall be entertained by a Village Court after the expiration of three years from the time when the right to sue or make the application first accrued.

Transfer of suits. 21. The District Munsif may, on the application of any of the parties, withdraw any suit from a Village Court and try the suit himself as if it had been instituted in his Court, or transfer it for trial to any other Village Court within the local limits of his jurisdiction: Provided that any party applying to have a suit withdrawn from a Village Court and tried by the District Munsif shall, before any such order of transfer is made, pay the amount of the fees payable under the Court-fees Act, 1870,² in respect thereof.

VII of 1870

CHAPTER IV.

OF THE INSTITUTION AND FRAME OF SUITS, RECOGNIZED AGENTS, THE ISSUE AND SERVICE OF SUMMONS ON PARTIES, ADJOURNMENTS AND CONSEQUENCES OF NON-APPEARANCE.

Suit to be commenced by plaint. 22. Every suit under this Act shall be instituted by presenting a plaint to the Village Munsif, together with as many copies thereof as there are defendants. One copy shall be delivered or affixed as hereinafter provided together with the copy of the summons.

Particulars to be contained in plaints. 23. The plaint shall be written in the language of the village and signed by the plaintiff, or, in his absence, by an agent duly authorized by him, and it shall contain the following particulars :—

(a) the name, description and residence of the plaintiff and defendant ;

(b) a concise statement of the cause of action and when it arose ;

(c) the relief prayed for, and the total amount or value of the claim.

Appearance 24. Any party to any suit before a Village Court may appoint by

¹ Printed, General Acts, Vol. III. See also the revised edition of the Act as modified up to 1st April, 1899.

² See the edition of the Act as modified up to 1st October, 1899.

(Chap. IV.—Of the Institution and Frame of Suits, Recognized Agents, the Issue and Service of Summons on Parties, Adjournments and Consequences of Non-appearance. Secs. 25-29.)

vakalatnama any person to appear and plead for him, but it shall be competent to the Village Munsif, whenever he thinks it necessary for the ends of justice, to order the personal attendance of any of the parties to the suit ; and, if the party so ordered does not attend in person, he shall be subject to the same consequences as if he did not appear either in person or by an agent.

25. When the plaint has been duly presented, the Village Munsif shall cause the same to be registered, and shall, by a summons in writing, require the defendant to appear and answer the claim on a specified day. The summons shall be served on the defendant personally and a copy thereof delivered to him by the village-servant usually employed in carrying messages, or by any other person appointed by the Collector under section 12.

26. If the Village Munsif is satisfied that the defendant is evading service of the summons, the Village Munsif may order that it be served upon, and a copy thereof delivered to, an adult male member of the family of the defendant residing with him, or that a copy thereof be affixed upon some conspicuous part of the house in which he generally resides.

27. Whenever it may be necessary to serve the summons upon a defendant beyond the local jurisdiction of the Village Court, it shall be forwarded to the District Munsif, who shall cause it to be served as if it had been a summons issued by himself, and shall then return it to the Village Court, together with a report of such service. Such report shall be *prima facie* evidence of the facts stated therein.

28. If a defendant does not appear in person or by agent on the day fixed, and it be proved that the summons was duly served, the Village Court may proceed *ex parte*.

If it is not proved that the summons was duly served, the Village Munsif shall issue a fresh summons.

Every defendant may claim two clear days' notice of suit, and, if the summons was not served in sufficient time to enable him to answer on the day fixed, the hearing shall be adjourned to a future day, of which written notice shall be given to defendant.

29. Every summons served under this Act otherwise than by the village-servant shall be served at the expense of the party on whose behalf it is issued ; and the amount of fee leviable for such service shall be fixed

in person or
by agent.

Summons to
defendant
how served.

Mode of
service when
defendant
evades
service.

Mode of
service when
defendant
beyond local
jurisdiction
of Court.

Procedure if
defendant
does not
appear.

Defendant
can claim
two days'
notice of
suit.

Process to be
served at
expense of
party
issuing.

¹ For notifications under this section, see Madras List of Local Rules and Orders, Ed. 1898, Vol. IV, p. 739.

(Chap. IV.—Of the Institution and Frame of Suits, Recognized Agents, the Issue and Service of Summons on Parties, Adjournments and Consequences of Non-appearance. Secs. 30-34.)

from time to time by the Governor in Council and shall be levied by the Village Munsif in such manner and subject to such rules as may be prescribed in that behalf by the Governor in Council.

Procedure where plaintiff does not appear and defendant does not admit claim, or where summons not served through plaintiff's default.

30. If on the day fixed for the defendant to appear—

(1) neither party appears, or

(2) the plaintiff does not appear and the defendant appears and does not admit the claim, or

(3) the summons has not been served owing to the plaintiff's default and the defendant does not appear,

the suit shall be dismissed unless the Village Court otherwise directs.

Procedure where plaintiff does not appear and defendant admits claim.

31. If the plaintiff does not appear, but the defendant appears and admits the claim wholly or in part, the Village Court shall pass judgment against defendant in accordance with such admission: Provided that, when only a part of the claim is admitted, the Court may adjourn the hearing to a future day.

Setting aside order under section 30 or 31 on cause shown.

32. Whenever a suit is dismissed under clause (1) or clause (3) of section 30, the plaintiff may bring a fresh suit; and, if within thirty days from the date of an order under clause (2) of section 30 dismissing the suit, or of a decree passed for only a part of the claim under section 31, the plaintiff satisfies the Village Court that he was prevented by any sufficient cause from appearing, the Court shall set aside the dismissal or the decree, and shall appoint a day for proceeding with the suit.

Setting aside *ex parte* decree against defendant.

33. Any defendant against whom a decree has been passed *ex parte* may, within thirty days from the date of executing any process for its enforcement, apply to the Village Court to set it aside; and if satisfied that the summons or notice was not duly served, or that the defendant was prevented by any sufficient cause from appearing, the Court shall set aside the decree and shall appoint a day for proceeding with the suit.

No decree to be set aside without notice to opposite party.

34. No decree shall be set aside on any application under section 32 or section 33 unless notice has been served on the opposite party.

(*Chap. V.—Of the Hearing, Withdrawal or Compromise of Suits and of the Summoning and Examination of Witnesses. Secs. 35-41.*)

CHAPTER V.

OF THE HEARING, WITHDRAWAL OR COMPROMISE OF SUITS AND OF THE SUMMONING AND EXAMINATION OF WITNESSES.

35. When the defendant appears, the Court shall ascertain from him whether he admits the claim made in the plaint. If he admits the claim or if the suit be compromised, such admission or compromise shall be recorded in writing and signed by the parties, and the Court shall pass a decree in accordance therewith. If he does not admit the claim, he shall be required to state his objections either orally or in writing, and the Court may, if it thinks fit, adjourn the case to enable him to file a written statement.

Procedure on appearance of both parties.

36. If the plaintiff wishes to withdraw a suit, he shall signify the same in writing to the Court, which shall strike the suit off the file, and no fresh suit shall be brought on the same cause of action.

Withdrawal of suit.

37. If either party is willing to let the suit be settled by the oath of the other, and such other party assents and takes the oath, the Court shall give judgment according to such oath.

When suit may be settled by oath.

38. The defendant may set off any amount legally due to him by the plaintiff, for which he could bring a suit in a Village Court. If such set-off is established, the decree shall be for any sum which finally appears to be due to either party.

Set-off.

39. When the defendant's statement has been made, the Court shall proceed to examine the truth of the claim, and shall summon the witnesses cited by either party who are not present.

Witnesses not present to be summoned.

40. Any witness residing within the jurisdiction of the Village Court may be summoned verbally or in writing. Any witness residing within five miles beyond the Court's jurisdiction may be summoned in writing, and such summons shall be served through the Village Munsif within whose jurisdiction he resides. If any witness resides more than five miles beyond the jurisdiction, the Court may call on the parties to frame written interrogatories and shall forward such interrogatories, with a letter, to the Village Munsif within whose jurisdiction the witness resides, and such Munsif shall forthwith summon and examine the witness upon the interrogatories, and shall return his answers to the Court in which the suit is pending.

Summons to witnesses how served.

Interrogatories when to issue.

41. A summons may direct the party summoned either to appear and give evidence or to produce or cause the production of a document.

Summons to appear and give evidence or produce document.

(Chap. V.—Of the Hearing, Withdrawal or Compromise of Suits and of the Summoning and Examination of Witnesses. Secs. 42-44.
Chap. VI.—Of the Decree and its Execution. Secs. 45-47.)

Exemption
of certain
women and
other persons
from personal
appearance.

42. Women who, according to the customs and manners of the country, ought not to be compelled to appear in public, persons exempted from personal appearance in Court, and any person who, by reason of sickness or bodily infirmity, cannot attend without serious inconvenience, shall not be summoned; but, when the evidence of any such person is necessary, the Village Court shall examine such person at his or her residence

Examination
of witnesses.

43. Witnesses shall be examined on oath or solemn affirmation, but it shall not be necessary for a Village Court to take down depositions of witnesses in writing.

Adjournment
in view to
amicable
settlement or
for other
cause.

44. If it appears likely that the parties will settle the matter amicably, or for any other sufficient cause, the Village Court may adjourn the hearing to a day to be fixed in the presence of the parties, or, in cases in which the defendant does not appear, in the presence of the plaintiff. If, on such day, the parties or any of them fail to appear, the Village Court may proceed to dispose of the suit in one of the modes prescribed in that behalf by sections 30 and 31 or make such other order as it thinks fit.

CHAPTER VI.

OF THE DECREE AND ITS EXECUTION.

On conclusion
of hearing,
Court to pass
decree.

45. When the parties or their agents have been heard, and the evidence on both sides considered, the Village Court shall pass such decree as may seem just, equitable and according to good conscience.

Contents of
decree.

46. The decree shall contain the number of the suit, the names of the parties, the particulars of the claim, the names of the witnesses examined, the titles of the exhibits read, the decision thereon, and the reasons for such decision. It shall specify the sum of money adjudged, the moveable property to be delivered, the sum to be paid in default of delivery, and the amount of costs and by what parties and in what proportions such costs shall be paid.

The decree shall be dated on the day on which it is passed, and signed by the Village Munsif. When the suit has been heard by a Bench, the decree shall be signed by the members of such Bench concurring therewith. Each party shall be entitled to receive a copy of the decree upon application.

Decree may
award interest
or order pay-
ment by in-
stalments.

47. In suits for money the Village Court may decree interest on the sum decreed not exceeding twelve per cent. per annum from date of suit till date of payment.

When a Village Court decrees the payment of a sum of money, it may direct that it be paid by instalments, with or without interest at the above rate.

48. The decree shall be executed by the Village Court which passed it or by a Village Court or District Munsif to whom it is sent for execution under the provisions hereinafter contained.

Court by which decree may be executed.

49. If the decree be for any specific moveable, it may be enforced by the seizure of the property, and its delivery to the decree-holder. If the seizure of the property be not practicable, the decree shall be executed by enforcing payment of the sum decreed as an alternative.

Decree for specific moveable how executed.

50. All money payable under a decree passed by a Village Court shall be paid to the decree-holder, or his agent specially authorized in writing, in the presence of the Village Munsif whose duty it is to execute the decree; but, if the decree is otherwise adjusted to the satisfaction of the decree-holder the nature of such adjustment shall be recorded in writing, and signed by him or his agent in the presence of, and attested by, such Village Munsif.

Payment of money under a decree or other adjustment to be made or recorded in presence of Munsif.

Such payment or adjustment shall be endorsed by the Village Munsif on the decree, and recorded in the register of suits mentioned in section 10.

No payment under a decree, and no adjustment of a decree in whole or in part, shall be recognized unless it has been made or recorded in the manner prescribed by this section, or in the Court of the District Munsif.

51. Subject to the provisions of sections 66 and 67, no judgment-debtor shall be arrested and no immoveable property attached in execution of a decree of a Village Court.

Judgment-debtor not to be arrested nor immoveable property attached.

52. On the application of the decree-holder, the Village Court shall attach any moveable property within his jurisdiction belonging to the judgment-debtor pointed out by the decree-holder, to the value of the sum payable under the decree : provided that the following properties shall not be liable to such attachment, namely :—

Attachment of moveable property.

- (a) the necessary-wearing apparel and bedding of the judgment-debtor, his wife and children ;
- (b) tools of artisans, and, where the judgment-debtor is an agriculturalist, his implements of husbandry and such cattle and seed-grain as may in the opinion of the Court be necessary to enable him to earn his livelihood as such ;
- (c) books of account ;
- (d) stipends and gratuities payable to military and civil pensioners of Government, and political pensions ;

(Chap. VI.—Of the Decree and its Execution. Secs. 53-58.)

- (e) the salary due to a public officer or to any servant of a Railway Company or local authority, unless such salary exceeds twenty rupees monthly, in which case a moiety of it may be attached ;
- (f) the pay and allowances of persons to whom the Native Articles of War apply ;
- (g) the wages of labourers and domestic servants.

How made if in possession of judgment-debtor.

53. If the property be in the possession of the judgment-debtor, it shall be attached by actual seizure, and the Village Munsif shall provide for its safe custody. It may be left in the custody of the judgment-debtor, upon sufficient security being given in writing for its production when required. On default the decree may be executed against the surety to the value of the property not produced.

How made if not in possession of judgment-debtor.

54. If the property be not in the possession of the judgment-debtor, the attachment shall be made by a written order prohibiting the person in possession of the property from giving it over to the judgment-debtor.

Debts how attached.

55. Debts and moneys due to the judgment-debtor shall be attached by a written order prohibiting the judgment-debtor from recovering the debt or receiving the sum of money, and the debtor from making payment thereof, until the further order of the Village Court. Nothing in this section shall be held to authorize a Village Court to attach or sell a debt charged on immoveable property.

Private alienation of property after attachment void.

56. When an attachment has been made by actual seizure, or by a written order, any private alienation of the property attached, whether by sale, gift, pledge or otherwise, and any payment of the debt to the judgment-debtor, during the continuance of the attachment, shall be void as against all claims enforceable under the attachment.

Investigation of claims to attached property.

57. If any claim be preferred to property attached in execution of a decree, the Village Court shall investigate the claim, and, if it appears that the judgment-debtor has no saleable interest therein, such property shall be released from attachment.

Property to be sold not less than fifteen days after attachment, and sale to be proclaimed.

58. As soon as possible after attachment, the Village Court shall fix a day, not less than fifteen days from the date of attachment, for the sale of the property attached, and shall cause a written proclamation of the intended sale to be fixed outside his Court, and such sale shall be further proclaimed by beat of drum previous thereto :

Provided that (1) with the consent in writing of the judgment-debtor, or (2) when the property seized is subject to speedy and natural decay, or (3)

when the expense of keeping it in custody may exceed its value, the Court may, after giving due notice by beat of drum, sell the attached property at any time within fifteen days from the date of attachment. In such case the Court shall hold the sale-proceeds subject to the provisions hereinafter made for payment of moneys attached in execution of decrees.

59. On the day fixed for the sale, the property shall be put up for sale by public auction in the presence of the Village Munsif, and sold to the highest bidder. The price shall be paid without delay, and in default the property shall again be put up to sale. Procedure in sale.

On payment of the purchase-money, the Court shall grant a receipt for the same, and the sale shall become absolute.

Any loss on re-sale shall, at the instance of either the judgment-creditor or judgment-debtor, be recoverable from the defaulter as if a decree had been passed against him for the same.

60. Any sale advertised under this Act may at the discretion of the Court be adjourned to a specified day, public notice thereof being given in the manner prescribed by section 58. Power to adjourn sale.

61. No Village Munsif or other officer having any duty to perform in connection with any sale under this Act shall, either directly or indirectly, bid for or acquire any interest in any property sold at such sale. Village Munsif and other officers not to bid for or buy property sold.

62. Every sale of property under this Act shall be stopped if, before the lot is knocked down, the amount due under the decree and the costs attending the sale are tendered to the Village Munsif. Stoppage of sale on tender of debt and costs.

63. Out of moneys realized in execution, the cost of execution shall first be defrayed and then the amount due to the decree-holder. Any surplus which may remain shall be paid to the judgment-debtor. Division of proceeds of sale.

64. When the property sold is one of which actual seizure has been made, the property shall be delivered to the purchaser. Property actually seized to be delivered to purchaser.

65. When the property sold is in the possession of any person other than the judgment-debtor, or is a debt due by any person to the judgment-debtor, delivery thereof to the purchaser shall be made by a written notice to such person, prohibiting him from delivering possession of the property or paying the debt to any person except the purchaser, and whatever right the In other cases how property delivered to purchaser.

(Chap. VI.—Of the Decree and its Execution. Secs. 66-67. Chap. VII.—Miscellaneous. Secs. 68-71.)

judgment-debtor had in such property or debt at the time of attachment shall vest in the purchaser.

Decree may be transmitted to District Munsif for execution.

66. Any decree passed by a Village Court may, on the application of the decree-holder, be transmitted for execution to the District Munsif, who may execute the same as if it were a decree passed by himself or may transmit it for execution to the Court of any other village in which the defendant is represented to have moveable property. Such Court shall proceed as if the decree was passed by itself.

District Munsif may withdraw execution of any decree.

67. It shall be competent to the District Munsif to withdraw the execution of any decree from any Village Court, and to execute it himself, as if it were a decree passed by himself.

CHAPTER VII.

MISCELLANEOUS.

If on death of party to suit application is made, legal representative of deceased may be entered on record.

68. If a plaintiff or a defendant die before decree is passed in the suit, the name of his legal representative may be entered in his place on the record, on the application of the opposite party or of such legal representative, but no decree shall be passed against the legal representative of a deceased defendant beyond the value of the assets derived from him and not duly accounted for.

If no application made, suit to be dismissed.

69. If no such application be made within sixty days from the date of the death of the plaintiff or defendant, the suit shall be dismissed, and no fresh suit shall be allowed to be brought on the same cause of action.

If more than one plaintiff or defendant, suit to proceed at instance of or against survivor.

70. If there be more plaintiffs or defendants than one, and any of them die, and his representative is not joined as aforesaid, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants.

If decree-holder die, his legal representative may be substituted.

71. If a decree-holder die before the decree has been fully executed, his legal representative may apply to the Village Court to substitute his name as the decree-holder in the room of the deceased, and, if the Court be satisfied, after giving notice to the judgment-debtor, that the applicant is the legal representative of the deceased, it shall substitute his name on the record as the decree-holder.

72. If a judgment-debtor die before the decree has been fully executed, it may be executed on the application of the decree-holder against the legal representative of the judgment-debtor, to the extent of assets derived from him and not duly accounted for.

If judgment-debtor die, decree may be executed against his legal representative.

73. The District Munsif may, on a petition being presented within sixty days from the date of any decree or order of a Village Court by any party deeming himself aggrieved by such decree or order, set aside such decree or order on the ground—

Revision by District Munsif of Village Court's proceedings.

of corruption, gross partiality or misconduct of the Village Court; or of its having exercised a jurisdiction not vested in it by law, or otherwise acted illegally or with material irregularity; or that the decree or order is clearly unjust or contrary to law;

and may pass such other decree or order as he thinks fit: Provided that no decree or order of a Village Court shall be set aside without notice to the opposite party. Pending disposal of any such petition, the District Munsif may stay execution of the decree or order.

A petition under this section may be entertained after sixty days by the District Munsif if he is satisfied with the cause shown for the delay.

Except as provided in this section, every decree and order of a Village Court shall be final.

74. Whenever under section 73 the District Munsif sets aside a decree or order, he may report the case to the District Judge, and shall report every case in which he sets aside a decree or order on the ground of corruption, gross partiality or misconduct.

District Munsif may, and in certain cases shall, report to District Judge.

75.¹ The High Court may, from time to time, prescribe forms for use in Village Courts and the returns which they shall be bound to submit. The District Judge or the District Munsif may at any time call for and inspect the registers and records of Village Courts.

Power of High Court to prescribe forms and of District Judge and District Munsif to inspect records.

* * * * *

¹ For notification prescribing forms of summonses and notice for use in the Courts of Village Munsifs, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, p. 740.

² The schedule annexed to this Act was repealed by the Repealing and Amending Act, 1901 (XI of 1901).

MADRAS ACT No. III of 1889.¹

[16th November, 1889 ; 23rd December, 1889.]

An Act to provide for the prevention and control of nuisances outside the Town of Madras.

Preamble.

WHEREAS it is expedient to amend Act XXIV of 1859 and to consolidate and improve the law relating to nuisances in places outside the Town of Madras ; It is hereby enacted as follows :—

Short title.

1. (1) This Act may be called the Towns' Nuisances Act, 1889.

Local extent.

(2) Sections 1 and 2 of this Act extend to the whole of the Presidency of Fort St. George. The remaining sections extend to all towns in the said Presidency which may have been or may hereafter be declared to be municipalities under Madras Act IV of 1881², or other Act of the same nature for the time being in force ; and the Governor in Council may from time to time, by notification³ in the Fort St. George Gazette, extend such sections or any part or parts thereof permanently or for a time or for specified occasions only, from such date as may be specified in the notification, to any other local area in the Presidency of Fort St. George, outside the limits of the Town of Madras, and may cancel or modify any such notification.

2. [*Enactments repealed.*] *Rep. by the Repealing and Amending Act, 1901 (XI of 1901).*

3. Whoever in any public street, road, thoroughfare or place of public resort, commits any of the following offences shall be liable on conviction to fine not exceeding fifty rupees or to imprisonment of either description not exceeding eight days :—

Rash or negligent driving.
Causing obstruction by negligence in driving cattle.
Driving, etc., otherwise

(1) Whoever drives or rides any animal, or drives, drags or pushes any vehicle, in a rash or negligent manner.

(2) Whoever by negligence or ill-usage in driving cattle causes any mischief or obstruction by such cattle.

(3) Whoever without reasonable excuse and so as to cause danger or

¹ For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 12th February, 1889, p. 3 ; for Report of the Select Committee, see *ibid* dated 8th October, 1889, p. 1 ; for Proceedings in Council, see *ibid* dated 26th March, 1889, p. 2, *ibid* dated 12th November, 1889, p. 12.

The Act came into force on 1st July, 1891.

² Printed, *supra*, p. 548.

³ For notifications under this sub-section, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, pp. 740 to 750 ; see also Fort St. George Gazette, 1899, Pt. I, p. 864, *ibid*, 1900, Pt. I, p. 1102.

(Sec. 4.)

- obstruction to any person shall drive, drag or push any vehicle otherwise than on the near or left side of the road. than on near or left side of the road.
- (4) Whoever, being in charge of any vehicle or cattle, leaves it or them at such a distance as not to have the same under due control. Leaving vehicle or cattle without due control.
- (5) Whoever causes any vehicle to remain or stand longer than may be necessary for loading or unloading except at places appointed for the purpose, or fastens any horse or other animal so as to cause obstruction or in any way wilfully obstructs or causes obstruction to the free passage of any thoroughfare. Obstructing thoroughfare.
- (6) Whoever exposes goods for sale so as to cause obstruction. Exposing goods so as to cause obstruction.
- (7) Whoever negligently lets loose any horse or suffers any ferocious dog to be at large without a muzzle or sets on or urges any dog or other animal to attack, worry or put in fear any person or cattle. Letting loose horses or ferocious dogs.
- (8) Whoever, so as to cause annoyance, begs or applies for alms or exposes or exhibits any sores, wounds, bodily ailment or deformity with the object of exciting charity or of extorting alms. Begging.
- (9) Whoever without reasonable excuse throws or lays down any dirt, filth, rubbish or any stones or building materials. Depositing rubbish, stones, etc.
- (10) Whoever is found gaming with cards, dice, counters, money or other instruments of gaming or publicly fighting cocks or taking part in such gaming or cock-fighting. Gambling or cock-fighting in street.
- (11) Whoever wilfully and indecently exposes his person or commits a nuisance by easing himself, and whoever, having the care or custody of any child under seven years of age, omits to prevent such child from committing a nuisance as aforesaid. Committing nuisance in street.
- (12) Whoever is found drunk and incapable of taking care of himself, or is guilty of any riotous, disorderly or indecent behaviour. Drunkenness or riotous or indecent behaviour.

In case of conviction being had for an offence under clause (10) of this section, the instruments of gaming and money employed or displayed for the purposes of gaming shall be liable to forfeiture under orders of the Court. Forfeiture of gaming instruments, etc.

4. Whoever neglects to fence in or protect any well, tank or other dangerous place or structure, or, Neglecting to fence in well, tank, etc.

whoever causes any offensive matter to run from any house, factory, dungheap or the like into the street—

shall be liable on conviction to fine not exceeding fifty rupees or to imprisonment of either description which may extend to one month. Causing offensive matter to run from house, etc.

(Secs. 5-11.)

Penalty for
cruelty to
animals.

5. Whoever cruelly beats, ill-treats, tortures or drives, rides or otherwise uses any animal in an unfit state to be so driven, ridden or used, or causes any animal to be cruelly beaten, ill-treated, tortured, or to be driven, ridden or used when unfit to be driven, ridden or used, shall be liable on conviction to fine not exceeding fifty rupees, or to imprisonment of either description not exceeding one month, or to both.

Penalty for
opening, etc.,
common
gaming-
house.

6. Whoever opens, keeps or uses or permits to be used any common gaming-house, or conducts or assists in conducting the business of any common gaming-house, or advances or furnishes any money for gaming therein, shall be liable on conviction to fine not exceeding five hundred rupees, or to imprisonment of either description not exceeding three months, or to both.

Penalty for
being found
gaming in
common
gaming-
house.

7. Whoever is found gaming or present for the purpose of gaming in a common gaming-house shall on conviction be liable to fine not exceeding two hundred rupees or to imprisonment of either description not exceeding one month; and any person found in any common gambling-house during any gaming or playing therein shall be presumed to have been there for the purpose of gaming.

Police may
arrest with-
out warrant
on view of
offence.
Magistrate,
etc., may
grant
authority to
enter
common
gaming-
house.

8. Any Police-officer may arrest without a warrant any person committing in his view any offence made punishable by this Act.

9. If any Magistrate, other than the Head of a village, or officer of Police not below the rank of Assistant Superintendent, has reason to believe that any enclosed place or building is used as a common gaming-house, he may by an order in writing give authority to any Police-officer above the rank of a constable to enter, with such assistance as may be found necessary, any such enclosed place or building, and to arrest all persons found therein and to seize all instruments of gaming and all moneys and securities for money and articles of value reasonably suspected to have been used or intended to be used for the purpose of gaming which are found therein, and to search all parts of such enclosed place or building and also the persons found therein.

Destruction
of stray
dogs.

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Act to form
part of Gene-
ral Police
Act.

11. Sections 3 and 4 of this Act shall be read with, and form part of. Act XXIV of 1859.

1 * * * * *

¹ The schedule appended to this Act was repealed by the Repealing and Amending Act 1901 (XI of 1901)—see the Third Schedule, Part III.

THE MADRAS SALT ACT, 1889.

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SCHEDULE.

[*Repealed.*]MADRAS ACT No. IV OF 1889.¹

[21st November 1889; 50th December, 1889.]

An Act to consolidate and amend the law relating to the Salt-revenue in the Presidency of Fort St. George.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the salt-revenue in the Presidency of Fort St. George; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called the Madras Salt Act, 1889.

Extent.

It extends to the whole of the Presidency of Fort St. George :

Proviso.

Provided that the Governor in Council may, from time to time, by notification exempt ² any local area from the operation of all or any of the provisions of this Act other than this section and section 2.

2. [*Enactments repealed.*] *Rep. by the Repealing and Amending Act, 1901 (XI of 1901).*

¹ For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 24th April, 1888, p. 19; for Report of the Select Committee, see *ibid*, Supplement dated 16th April, 1889, p. 1; for, Proceedings in Council, see *ibid* Supplement, dated 13th November, 1888, p. 18; *ibid* dated 12th November, 1889, p. 2.

² For notification exempting the Scheduled Districts of Ganjam, Vizagapatam and Godavari from the operations of the Act, from 1st August, 1890, see Fort St. George Gazette, 1890, Pt. I, p. 445.

(Chap. I.—Preliminary. Sec. 3.)

3. In this Act, unless there be something repugnant in the subject or context,— Interpreta-
tion-clause.

(a) "salt-revenue" means revenue derived or derivable from any price, duty, fee, tax, fine, confiscation or payment imposed or ordered under the provisions of this Act, or of any other law for the time being in force relating to salt: "Salt-
revenue."

(b) "salt" means chloride of sodium, and includes swamp salt, spontaneous salt, and salt or saline solutions made or produced from any saline substance or from salt-earth: "Salt."

(c) "saline substance" means any substance naturally containing salt: "Saline
substance."

(d) "salt-earth" means earth containing salt: "Salt-
earth."

(e) "saltpetre" means nitrate of potash, and in any local areas which may be defined in this behalf from time to time by the Governor in Council by notification shall include any or all kinds of carbonates, nitrates or sulphates of soda and potash specified in such notification: "Saltpetre."

(f) "manufacture" includes excavation, collection, removal, preparation, steeping, evaporation, boiling or any one or more of those processes; and also the separation of salt from any saline substance or from saltpetre: "Manufac-
ture."

¹(g) "circle" means a local area from time to time constituted as such by the Governor in Council by notification: "Circle."

(h) "Inspector" means an officer in charge of a circle, and includes any officer who may be specially invested by Government with the powers of an Inspector under this Act: "Inspector."

²(i) "salt-factory" includes any place used or intended to be used for the manufacture of salt or for the storage or keeping of the same pending payment of duty, and all embankments, channels, reservoirs, lands, buildings and waste places situated within the limits thereof as defined from time to time by the Governor in Council; but does not include a warehouse appointed or licensed under the Sea Customs Act, 1878: ³ "Salt-
factory."

(j) "salt-work" means any defined area within a salt-factory, which is used for the manufacture of salt and which is separately registered as such in the public accounts: "Salt-work."

VIII of
1878.

¹ For notifications under this clause, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II; see also Fort St. George Gazette, 1899, Pt. I, p. 1154.

² For notifications under this clause, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, p. 755; see also Fort St. George Gazette, 1899, Pt. I, p. 1879.

³ Printed, General Acts, Vol. III.

(Chap. II.—The Appointment of Officers. Sec. 4.)

“Contraband salt.”

(k) “contraband salt” means salt, saline substances, salt-earth or salt-petre manufactured without license, or dealt with by any person in contravention of any enactment for the time being in force or of any order, permit or license issued thereunder, or of any rule made in pursuance thereof;

but it shall not include salt-earth which has been merely excavated or collected, unless such salt-earth is found within the limits of any local area wherein such salt-earth is declared by a notification of the Governor, in Council to be contraband salt, nor shall it include sea-water :

“Commissioner.”

(l) “Commissioner” means the officer appointed by the Governor in Council under section 4, clause (a) :

“Licensee.”

(m) “licensee” means a person to whom a license to manufacture salt or saltpetre is issued, and includes any person registered as the transferee of such license under the provisions hereinafter contained :

“Magistrate.”

(n) “Magistrate” means a Magistrate appointed under the Code of Criminal Procedure¹ :

“Imprisonment.”

(o) “imprisonment” means imprisonment of either description as defined in the Indian Penal Code² :

“Maund.”

(p) “maund” means a maund of eighty-two and two-sevenths pounds avoirdupois weight :

“Place.”

(q) “place” includes a house, building, shop, tent or vessel.

CHAPTER II.

THE APPOINTMENT OF OFFICERS.

*
Appointment
of Com-
missioner.

4. Notwithstanding anything contained in Regulations I³ and II³ of 1803, the Governor in Council may, from time to time, by notification—

(a) appoint an officer, who shall, either as a Member of the Board of Revenue or subject to the orders of the Board of Revenue or independently of the Board of Revenue, as the Governor in Council may direct, have the control of the administration of the Salt Department and of the collection of the salt-revenue ; and

(b) withdraw from the Board of Revenue or the Collector of Land-revenue any or all of their or his powers in respect of the salt-revenue

¹ See now Act V of 1898, General Acts, Vol. VI

² Printed, General Acts, Vol. I, p. 240.

³ Printed *supra*, pp. 15 and 21, respectively.

(Chap. II.—*The Appointment of Officers. Secs. 5-7. Chap. III.—Of the Manufacture of Salt. Secs. 8-9.*)

5. The Governor in Council may, from time to time, appoint officers of the Salt Department subordinate to the Commissioner, under the designation of Deputy and Assistant Commissioners and Inspectors of Salt-revenue, or under such other designations as may seem fit, and may suspend, reduce, transfer or dismiss any officer so appointed.

Appointment of Deputy and Assistant Commissioners and Inspectors.

The Governor in Council may delegate¹ any of his powers under this section to the Commissioner.

6. The appointment of all other subordinate officers of the Salt Department shall, under such orders as the Governor in Council may, from time to time prescribe, vest in the Commissioner, who may fine, suspend, reduce, transfer or dismiss any subordinate officer so appointed.

Subordinate officers.

7.² The Commissioner may, from time to time, with the sanction of the Governor in Council, by notification, authorize any officer subordinate to him to exercise any of the powers conferred on him by this Act, within such local area and subject to such limitations as he may think fit.

Delegation of powers by the Commissioner.

CHAPTER III.

OF THE MANUFACTURE OF SALT.

PART I.—*General.*

8. No person, not being a public servant manufacturing on behalf of Government, shall manufacture salt unless duly licensed as hereinafter provided.

Manufacture without license illegal.

9. The Commissioner may grant licenses for the manufacture of salt. Every license shall relate to specified salt-works and shall contain such particulars and conditions as the Governor in Council may, from time to time, prescribe. The Commissioner may at any time call for any license and may amend or alter it or may tender to the licensee a new license in accordance with any further conditions which may be so prescribed.

Commissioner may grant, alter or cancel licenses.

If such new license is not accepted by the licensee, the Commissioner may direct that the previous license shall be cancelled.

Every person who is registered as a manufacturer of salt at any salt-factory in existence when this Act comes into force shall be deemed to be duly licensed to manufacture salt hereunder until a license shall be issued to him.

¹ For such delegation, see Madras List of Local Rules and Orders, El. 18 98, Vol. II, p. 762; see also Fort St. George Gazette, 1899, Pt. I, p. 1887.

² For such delegation, see *ibid.*, p. 763.

(Chap. III.—Of the Manufacture of Salt. Secs. 10-15.)

Two descriptions of licenses.

10.¹ Licenses for the manufacture of salt may be either—

- (i) for the manufacture of salt for sale to Government, or
- (ii) for the manufacture of salt for general sale.

Transfer and relinquishment of licenses.

11. Licenses shall be transferable and may be relinquished: Provided that no transfer or relinquishment shall have any effect against the Commissioner unless and until it shall have been registered or accepted under such rules as the Governor in Council may from time to time prescribe.

Licensee to be taken to be owner of license and salt works.

12. For the purposes of this Act, the licensee shall be taken to be the owner of the license and of the salt-works specified therein: Provided that nothing herein contained shall affect the liability of the licensee towards any person who may have an interest in, or lien upon, such license or salt-works.

Power to establish and close factories.

13. The Governor in Council may by notification² establish a salt-factory in any land which is the property of Government, or in which the owner thereof shall permit the establishment of a salt-factory. Subject to the payment of compensation as hereinafter provided, the Governor in Council may in like manner close any salt-factory or portions thereof by directing cancellation of the licenses relating to salt-works therein comprised.

Power to substitute either system of manufacture for the other. Proviso.

14. The Governor in Council may direct that any salt-factory or portion of a salt-factory worked for sale of salt to Government shall be worked for general sale of salt, and that any factory or portion of a factory worked for general sale of salt shall be worked for sale of salt to Government:

Provided that no such change shall be introduced during a manufacturing season.

Notice to be given of intention to substitute.

15.³ The intention of the Governor in Council to effect such change shall be declared by a notification not later than the first day of June in the year preceding that in which the change is to take effect, and notice of such intention shall further be served on the general body of licensees at the factory affected. On or after the first day of December next ensuing and before the commencement of manufacture, the Commissioner shall cause all licensees to be summoned to receive new licenses, and if any of them fail to attend in person or by authorized agent at the time and place mentioned in the summons and to accept the licenses tendered, the Commissioner may declare the existing licenses cancelled.

Power to recall licenses and issue new ones.

¹ For revised forms of licenses, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, p. 763.

² For notifications under this section, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, p. 763.

³ For notifications under this section, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, p. 764.

(Chap. III.—Of the Manufacture of Salt. Secs. 16-18.)

16. Salt-works for which licenses have been relinquished under section 11 or cancelled under sections 9, 13, 15, 25, 27 or 73 shall be at the disposal of the Commissioner, who shall determine whether the salt-works shall be retained within the salt-factory or not.

Commissioner to dispose of salt-works for which licenses have been relinquished or cancelled.

(a) If the Commissioner directs that the salt-works shall be retained within the factory, the proprietary right of other persons therein, if any, shall thereupon vest in the Governor in Council, and the Commissioner shall pay the value of such proprietary right to the late licensee. In calculating such value the value of the land as a site for salt-manufacture shall not be taken into account. The Commissioner shall, if he admits the existence of such proprietary right, tender to the late licensee such sum as he considers to represent the value thereof, and, if the sum tendered is not accepted or such proprietary right is not admitted by the Commissioner, he shall refer the late licensee to a Court of competent jurisdiction. In the case of salt-works for which licenses have been cancelled under sections 9, 13 or 15, the Commissioner shall also pay to the late licensee compensation at the rates fixed in section 18.

Procedure where salt-works are retained within the factory.

(b) If the Commissioner directs that the salt-works shall not be retained within the factory, he shall exclude them from the limits thereof, and no payment for the value of any proprietary right shall be made; but in the case of salt-works for which licenses have been cancelled under sections 9, 13 or 15 the Commissioner shall pay the late licensees compensation at the rates fixed in section 18 :

Procedure where they are not retained.

Provided that no compensation under this section shall be payable, if it is excluded by express stipulation in the conditions of the license.

Prqviso.

17. Pending the disposal of salt-works under section 16, in case of dispute as to succession to a deceased licensee and whenever a license is suspended under this Act, the Commissioner may—

Treatment of works pending disposal.

grant a temporary license for manufacture in the works in question ;
or

flood them with water ; or

take any other measure he may think fit to prevent injury to manufacture in neighbouring salt-works or the spontaneous generation of salt.

18. The compensation payable under section 16 to a licensee shall be at the rate of four annas for every maund of salt in the average quantity annually stored from the salt-works to which the license cancelled or relinquished relates .

Rates of compensation.

In the case of a license to manufacture salt for sale to Government, such

(Chap. III.—Of the Manufacture of Salt. Secs. 19-24.)

average quantity shall be calculated on the number of years in which the salt works have been worked during the five years last preceding. In the case of a license to manufacture salt for general sale, such average quantity shall be calculated on the period not exceeding five years last preceding during which the license has been in force.

Power to
destroy
salt.

19. The Commissioner may without payment authorize the immediate destruction of all salt manufactured by licensees otherwise than according to the conditions of their licenses.

Power to
erect
guard-sheds.

20. The Commissioner may cause guard-sheds to be erected at any place in any salt-factory without payment of compensation for the use of the land occupied thereby.

PART II.—Of the Manufacture of Salt for Sale to Government.

To what fac-
tories provi-
sions of Part
to apply.

21. The provisions of this Part shall apply only in salt-factories or portions of factories worked for sale of salt to Government.

Commissioner
to determine
quantity of
salt to be
manu-
factured, and
to pay for
all salt
manu-
factured.

22. The Commissioner shall determine the quantity of salt to be manufactured in each year by each licensee.

The Commissioner shall pay licensees for all salt manufactured according to the conditions of their licenses and delivered into store by them, at such rates as the Governor in Council may, from time to time, prescribe.

Obligations
and duties of
licensees.

23. Licensees shall be bound at their own expense to maintain in repair their salt-works and the minor irrigation-channels which supply brine thereto, and to deliver all the salt manufactured by them into store at the place and in the manner appointed by the Commissioner for the factory or for the salt-works of the licensee. They shall also be bound, when called upon by the Commissioner, to provide labour and materials for securing salt in store and for executing repairs to the platforms, main channels, roads and other works of the factory, and shall be paid therefor at the rates usually paid in the neighbourhood for labour and materials of a similar description.

Power to
enforce per-
formance of
obligations
by licensees.

24. If the licensees fail to agree among themselves as to the proportion in which they shall execute, perform and do the several works, duties and things mentioned in the last preceding section, it shall be lawful for the Commissioner to determine such proportion by order to be affixed in a conspicuous place in the salt-factory, and the licensees shall thereupon be bound to execute, perform and do such works, duties and things accordingly within a time to be named in the said order, and, if any licensee shall fail so to do, the Commissioner may take such steps as he may think fit for the execution

(Chap. III.—Of the Manufacture of Salt. Secs. 25-30.)

performance and doing of such works, duties and things, and may recover from such licensee the amount of any expenditure which the Commissioner may have incurred owing to such refusal or neglect.

25. In case of a licensee failing to exercise due diligence in manufacture, or committing any default under section 23 or 24, the Commissioner may—
 impose upon the licensee a fine not exceeding one-tenth of the sum payable at the prescribed rates on the quantity of salt determined under section 22; or
 suspend the license for such period as he may think fit; or
 one month after notice cancel the license.

Penalty for want of due diligence or default by licensee.

PART III.—Of the Manufacture of Salt for general Sale.

26. The provisions of this Part shall apply only to salt-factories or portions of factories worked for general sale of salt.

To what factories provisions of Part to apply.
 Power to cancel license on failure to manufacture.

27. The Commissioner may, after giving one month's notice, cancel the license for any salt-work at which no salt shall have been manufactured during the two manufacturing seasons last preceding.

28. Salt in store at any salt-factory, or part of a factory, which may be closed in the manner hereinbefore provided, or the property of any licensee whose license may be cancelled or suspended, shall be removed within six months of the date of such closing or of the cancelment or suspension of such license, for which purpose only the license shall continue in force; and, if the licensee shall fail so to remove the salt on payment of the duty thereon, it shall be forfeited to Government and disposed of as the Commissioner may think fit.

Removal of salt from closed factory.

29. The Commissioner may, by order in writing, require a licensee to protect salt manufactured by him in such manner as the Commissioner shall consider sufficient in any place appointed by the Commissioner for the storage or keeping of salt for the factory or for the salt-works of the licensee, to re-heap and secure in such manner as he may direct any portion remaining out of a heap or store which has been opened, or to construct or repair to the Commissioner's satisfaction any embankment, platform, building or works required or set apart for the purpose of storage, and, if the licensee shall fail to comply with such order within ten days of the receipt thereof, the Commissioner may do what is required or may sell or destroy salt so left unprotected or unstored and may recover the cost from the licensee.

Salt to be protected, re-heaped and secured and storage-works constructed.

30. The Commissioner may call on a licensee to store in such manner as he may direct any sifted or refuse salt manufactured by him which may be

Refuse salt to be stored

(Chap. III.—Of the Manufacture of Salt. Secs. 31-34. Chap. IV.—
Manufacture and Refinement of Saltpetre. Sec. 35.)

or destroyed. lying unstored, or, at the option of the licensee, to destroy the same ; and, if the licensee shall fail either to store or to destroy such salt within ten days of the receipt of the order so to do, the Commissioner may cause such salt to be destroyed and may recover the cost of such destruction from him. The Commissioner shall determine whether any salt is sifted or refuse for the purposes of this Act.

Licensees to
construct and
maintain in
good order
roads,
channels,
reservoirs,
etc.

31. The licensees at each salt-factory shall be bound, at their own expense, to construct and maintain within the limits of the factory in good repair to the satisfaction of the Commissioner all roads and all channels, reservoirs, embankments, drying grounds, platforms and other works used or intended to be used for the manufacture and storage of salt, and also all works wherever situated for the protection of the factory from inundation or for the supply of brine.

When works
may be
undertaken
by Salt
Department.

32. In case the licensees shall fail to execute the works specified in the last preceding section, or with the sanction of the Governor in Council, whenever it appears desirable that any such work should be undertaken by the Salt Department, the Commissioner may cause such works to be executed and may recover the cost thereof, in such proportions as may seem fit, from the licensees.

Applicants
for permit to
remove salt
legally bound
to state
price.

33. Every person applying for a permit to remove salt from a salt-factory under this Chapter shall be legally bound to declare in the application the price at which the salt has been sold and the full consideration given or agreed to be given therefor.

Liability of
Government
for loss or
damages to
salt in a
factory.

34. No licensee shall be entitled to claim from Government compensation for any loss or damage to stored or unstored salt lying at any salt-factory, unless it be proved that such loss or damage was caused by the wilful act or neglect of an officer of the Salt Department employed at the factory at which the salt was lying.

CHAPTER IV.

MANUFACTURE AND REFINEMENT OF SALTPETRE.

Manu-
facture of
saltpetre
without
license

35. No person, not being a public servant manufacturing on behalf of Government, shall manufacture or refine saltpetre unless duly licensed as hereinafter provided.

(Chap. IV.—Manufacture and Refinement of Saltpetre. Secs. 36-42.)

36. The Commissioner may grant licenses for the manufacture or refinement of saltpetre.

Commissioner may grant licenses.

37. Such licenses may be either—

Two kinds of licenses.

A—for the manufacture only of saltpetre in its crude form, or

B—for the manufacture and refinement of saltpetre, and the separation and purification of salt in the process of such manufacture and refinement.

38.¹ The Governor in Council may, from time to time, by notification, determine the fees to be paid for such licenses in any local area.

Fees for licenses.

39.¹ Licenses under this Chapter shall be annual and shall contain such particulars and conditions as the Governor in Council may, from time to time, prescribe, and every license under clause B, section 37, shall relate to specified premises.

Conditions of license.

40. Whenever any license under this chapter is cancelled or suspended under section 73, the Commissioner may, by order in writing, require the licensee to destroy all materials in his possession capable of being used in the manufacture of salt or in the refinement of saltpetre; and, in case the licensee shall fail so to do within ten days, the Commissioner may cause them to be destroyed, and may recover the cost from the licensee.

Disposal of materials on cancellation or suspension of license.

41. The Commissioner may, from time to time, and shall, whenever any license under clause B, section 37, is cancelled or suspended, by order in writing, call on the licensee to pay the duty leviable under section 43 on all salt found on the premises and to remove the salt. If the licensee without reasonable excuse fail so to do within ten days, the Commissioner may sell the salt on behalf of Government subject to payment of duty, or may destroy it and recover the cost of such destruction from the licensee.

Payment of duty on salt on cancellation or suspension of license.

42. The Commissioner may, from time to time, by order in writing, call on any person licensed under clause B, section 37,—

Licensee to fence premises and store materials.

(1) to fence the premises to which the license relates,

(2) to keep the fences in repair,

(3) to store or protect the materials used or produced therein,

in such manner as he may direct. If the licensee fails to carry out such order within one month, the Commissioner may cancel his license or may suspend it or may himself do what is required and recover the cost thereof from the licensee.

¹ For rules issued under ss. 38 and 39 in conjunction with s. 85 (c) regulating the manufacture and refining of saltpetre, see Fort St. George Gazette, 1899, Pt. I, p. 1879.

(Chap. V.—Removal of Salt and Payment of Duty and Charges. Secs. 43-44.)

CHAPTER V.

REMOVAL OF SALT AND PAYMENT OF DUTY AND CHARGES.

Salt not removeable from factory except under permit and on payment of duty and other charges.

43. Subject to any rules which may be framed by the Governor in Council under section 85, no salt shall be removed from any salt-factory, otherwise than on account of Government, or for transport to a place of storage authorized by the Commissioner, and no salt shall be removed from such authorized place of storage, except under a permit and upon payment of duty at the rate fixed by the Governor General in Council under the Indian Salt Act, 1882,¹ and of the following charges:—

XII of 1882.

A—for every maund of salt sold on account of Government such sum as may be fixed under general or special order of the Governor in Council, or determined by auction-sale, not being less than any minimum fixed under section 8 of the Indian Salt Act, 1882¹;

XII of 1882.

B—for every maund of salt sold by or on account of a licensee under section 10 (ii) such sum as the Commissioner, under such rules as the Governor in Council may, from time to time, prescribe, may fix as sufficient to cover all or any of the following charges or portions thereof:—

- (1) the rent or assessment of the land occupied by the factory, and of the land or buildings on or in which the salt was stored;
- (2) interest at five per centum per annum on the capital cost of the works constructed at the expense of Government within the factory of any of the descriptions, or for any of the purposes, mentioned in section 31;
- (3) the cost of any works executed under section 32 and not recovered thereunder;
- (4) so much of the annual expenditure incurred by the Government on the establishments maintained at the factory or place of storage for the purposes of guarding the salt and of realizing the revenue thereon, as may exceed five per centum on the duty levied on the salt therein sold in preceding official years and as has not been recovered by Government.

Weighment of salt removed.

44. Every holder of a permit for the removal of salt from a salt-factory shall be bound to superintend either in person or by his servant or agent the

(Chap. V.—Removal of Salt and Payment of Duty and Charges. Sec. 45.

Chap. VI.—Of the Powers of Public Officers for the Detection and Punishment of Offences against the Salt Law. Secs. 46-47.)

weighing out of the same, and the person actually superintending such weighing shall be bound to prevent the removal of any quantity in excess of that for which the permit has been granted, and may test the weights and scales used in the weighing thereof.

45. The Commissioner may establish preventive stations at which all salt removed from any specified factory shall be detained and examined.

Establishment of preventive stations.

CHAPTER VI.

OF THE POWERS OF PUBLIC OFFICERS FOR THE DETECTION AND PUNISHMENT OF OFFENCES AGAINST THE SALT LAW.

46. Any Magistrate on information given that contraband salt is manufactured, sold or kept in any place within his jurisdiction may issue a warrant to search for such salt. Before issuing such warrant the Magistrate shall examine the informant on oath or affirmation, and the examination shall be reduced into writing and be signed by the informant and by the Magistrate.

Magistrate may issue search-warrant on information.

47. Whenever any officer of the Salt, Police, Land-revenue, Abkari or Customs Departments, empowered¹ by the Governor in Council in this behalf, has reason to believe that contraband salt is being manufactured, sold or kept in any place, and that the delay in obtaining a search-warrant will prevent the discovery thereof, such officer shall first record in writing (so far as may be practicable)—

When officer of Salt or other department may search without warrant. Procedure to be observed.

- (a) the name, residence and calling of the informant (if any);
- (b) the locality and description of the place in which, and the name of the person for or by whom, the contraband salt is manufactured, sold or kept, and
- (c) the supposed quantity and description of the contraband salt, with the grounds of believing the same to be contraband;

and may then between sunrise and sunset enter and search any such place and may seize and carry away all contraband salt and all things liable to confiscation under this Act which he may find, and may destroy any works constructed in such place for the manufacture of such salt or to cause or assist the spontaneous generation of salt;

¹ For notification empowering certain officers, see Madras List of Local Rules and Orders. Ed. 1898, Vol. II, p. 764.

(Chap. VI.—Of the Powers of Public Officers for the Detection and Punishment of Offences against the Salt Law. Secs. 48-52.)

and may also arrest any person concerned in the manufacture, sale or keeping of such contraband salt or in dealing therewith.

Any person arrested under this section shall be admitted to bail by the officer conducting the search if sufficient bail be tendered for the appearance of such person before the Inspector.

Search by
head
of village.

48. Whenever the head of a village has credible information that contraband salt is manufactured, sold or kept in his village, he may, between sunrise and sunset, search the place in which such salt is believed to be manufactured, sold or kept, and shall seize and carry away all such salt and all things liable to confiscation under this Act which he may find; and he shall forthwith forward them, with a report mentioning the circumstances under which, and the person in whose possession, they were found, to the nearest salt-factory or police-station.

When
offenders
may be
arrested, and
anything
liable to
confiscation
seized,
without
warrant.

49. Any officer of the Salt, Police, Land-revenue, Abkâri or Customs Departments may arrest without warrant in any public thoroughfare or open place other than a dwelling-place any person found committing an offence under this Act, and in any such thoroughfare or open place may seize and detain anything which he has reason to believe to be liable to confiscation under this Act, and may search any person, vessel, vehicle, animal, package or covering upon whom or in or upon which he may have reasonable cause to suspect any such thing to be.

Refusal to
give name
and
residence.

50. Any person who may be accused or reasonably suspected of committing an offence under this Act, and who on demand of any officer of the Salt, Police, Land-revenue, Abkâri or Customs Departments, or of any other person duly empowered, refuses to give his name and residence, or who gives a name or residence which such officer or person has reason to believe to be false, may be arrested by such officer or person in order that his name and residence may be ascertained.

Procedure in
case of
search.

51. All searches under this Chapter shall be made in accordance with the provisions of the Criminal Procedure Code,¹ so far as the same are consistent therewith, and where made by a head of a village shall be reported within twenty-four hours to the Magistrate having jurisdiction.

Report of
search or
seizure.

52. Whenever any search or arrest or seizure is made under sections 47, 49 or 50, the officer making it shall, within twenty-four hours, make a full report of the particulars of such arrest or seizure to his immediate official superior.

¹ See now Act V of 1898, General Acts, Vol. VI.

(Chap. VI.—Of the Powers of Public Officers for the Detection and Punishment of Offences against the Salt Law. Secs. 53-58.)

53. Whenever any person is arrested under the provisions of this Chapter and has not been admitted to bail under section 47, the person arresting him shall forthwith forward him to the Inspector of the circle in which the arrest was made, or, if such Inspector be not within a distance of ten miles from the place at which such arrest took place, to the nearest police-station, with a report of the circumstances under which such arrest was made.

Arrested person how to be dealt with.

54. On any such person being brought to a police-station as aforesaid, the officer in charge thereof shall admit him to bail to appear when summoned before the Inspector of the circle within the limits of which the offence with which he is charged is suspected to have been committed, and in default of bail shall forward him in custody to such Inspector.

Procedure by Police-station-officer.

55. Whenever any person charged with having committed an offence under this Act is brought before an Inspector or appears before him on bail, such Inspector shall, after such inquiry as he may deem fit, either release him or admit him to bail to appear before the Magistrate having jurisdiction or in default of bail forward him in custody to such Magistrate.

Procedure by Inspector.

56. Before any person is released on bail, a bond in such sufficient but not excessive sum of money as the officer admitting him to bail thinks proper shall be executed by such person and by one or more sureties conditioned that such person shall attend in accordance with the terms of the bond and shall continue to attend until otherwise directed by the Inspector before whom he was bailed to attend or the Magistrate, as the case may be :

Bond and sureties of accused.

Provided that the officer admitting any such person to bail may dispense with the requirement of a surety or sureties to the bond executed by such person.

57. Whenever, by reason of default of appearance of a person bailed to appear before an Inspector, such Inspector is of opinion that proceedings should be had to compel payment of the penalty mentioned in the bond, he shall forward it to the Magistrate having jurisdiction to try the offence of which the person bailed was accused, and the Magistrate shall proceed to compel payment of the penalty in the manner provided by the Code of Criminal Procedure,¹ for the recovery of penalties in the like case of default of appearance by a person bailed to appear before his own Court.

Procedure on breach of bond for appearance.

58. Any Inspector may, after recording his reasons in writing, summon any person to appear before him whom he has reason to suspect of having

Inspector may summon suspected persons.

¹ See now Act V of 1898, printed, General Acts, Vol. VI.

(Chap. VI.—Of the Powers of Public Officers for the Detection and Punishment of Offences against the Salt Law. Secs. 59-64.)

committed an offence under this Act. On such person appearing before such Inspector he shall be dealt with under section 55.

Salt-officer
may summon
witnesses.

59. Any officer of the Salt Department duly empowered¹ in this behalf by the Governor in Council may summon any person to appear before himself to give evidence in any investigation relating to the salt-revenue or to an offence under this Act or to produce any document relevant thereto which may be in his possession or under his control

Provided that no person shall be summoned to appear at a greater distance from his usual place of residence than the Governor in Council may, from time to time, by notification direct.

Terms of
summons.

60. Summonses shall be in writing, shall require the persons summoned to appear at a stated time and place, and shall be signed by the officer issuing them. Summonses under section 59 shall state whether the person summoned is required to give evidence or to produce a document, or both.

Examination
of witnesses
summoned by
Salt-officers.

61. Persons summoned under section 59 shall attend as required and shall answer all questions relating to such investigation put to them by such officer. Such answers shall be reduced into writing, and shall be signed by such officer.

Examination
of witnesses
whose attend-
ance is
dispensed
with.

62. Such officer may proceed to the residence of any person who from sickness or other infirmity may be unable to attend before him, or whom by reason of rank or sex it may not be proper to summon, and may there examine him instead of summoning him to appear; and the provisions of section 61 shall apply in such case.

Persons sum-
moned merely
to produce
documents.

63. Any person summoned merely to produce a document shall be deemed to have complied with the summons if he cause such document to be produced, instead of attending personally to produce the same.

Report of
Inspector to
Magistrate.

64. Whenever an Inspector forwards in custody any person accused of an offence under this Act to the Magistrate having jurisdiction or admits any such person to bail to appear before such Magistrate, such Inspector shall also forward to such Magistrate a report setting forth the name of the accused person, the nature of the offence with which he is charged, and the names of the persons who appear to be acquainted with the circumstances of the case; and shall send to such Magistrate any article or samples which it may be necessary to produce before him. Upon the receipt of such report, the Magistrate shall proceed in like manner as if report had been made to him, under clause (b), section 191, of the Code of Criminal Procedure.²

¹ For empowering notification, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, p. 765.

² See now cl. (b) of sub-s. (1) of s. 190 of Act V of 1898, General Acts, Vol. VI.

Chap. VI.—Of the Powers of Public Officers for the Detection and Punishment of Offences against the Salt Law. Secs. 65-70.)

- X of 1882. 65. Such Inspector shall exercise all the powers conferred by the Code of Criminal Procedure¹ on an officer in charge of a police-station in respect to causing the appearance before such Magistrate of such persons as he may consider necessary to be examined by the Magistrate. Powers of Inspector to cause attendance of witnesses.
66. No person accused or suspected of having committed an offence under this Act shall be detained in custody for a longer period than under all the circumstances of the case is reasonable; and such period shall not, in the absence of the special order of a Magistrate, exceed twenty-four hours exclusive of the time necessary for the journey of such person to the place where the Inspector may be and from thence to the Magistrate having jurisdiction. Accused not to be detained in custody for a longer period than twenty-four hours.
67. All officers in charge of police-stations shall take charge of and keep in safe custody, pending the orders of the Magistrate or of an Inspector, all things seized under this Act which may be delivered to them; and shall allow any officer of the Salt Department who may accompany such things to the police-station, or who may be deputed for the purpose by his superior officer, to affix his seal to such things or to take samples of and from them. All samples so taken shall also be sealed with the seal of the officer in charge of the police-station. Custody of things seized under the Act.
68. All officers of the Salt, Police, Land-revenue, Abkari and Customs Departments and Village-officers of the Revenue and Police Departments shall, upon notice given or request made, be legally bound to assist each other in carrying out the provisions of this Act. Officers of Salt and other Departments to assist each other.
69. All officers of the Police, Land-revenue, Abkari and Customs Departments shall be bound to give immediate information to an officer of the Salt Department, and every officer of the Salt Department shall be bound to give immediate information either to his immediate official superior or to an Inspector, of all breaches of any of the provisions of this Act which may come to his knowledge; and all such officers shall be bound to take all reasonable measures in their power to prevent the commission of any such breaches which they may know or have reason to believe are about or likely to be committed. Prevention of, and information regarding, offences.
70. All zamindars, proprietors, tenants, under-tenants and cultivators, or other persons who own or hold land on which there shall be any manufacture of contraband salt, shall, in the absence of reasonable excuse, be bound to give notice of the same to a Magistrate or to an officer of the Salt, Police, Land-revenue, Abkari or Customs Departments, immediately the same shall come to their knowledge. Zamindars and others to report manufacture of contraband salt.

¹ See now Act V of 1898, General Acts, Vol. VI.

(Chap. VI.—Of the Powers of Public Officers for the Detection and Punishment of Offences against the Salt Law. Secs. 71-73. Chap. VII.—Penalties. Sec. 74.)

Provisions regarding confiscation of things liable thereto.

71.¹ At the conclusion of any inquiry into or trial of an offence under this Act, the Court may order the confiscation of anything liable to confiscation under this Act in connection with such offence.

Whenever confiscation is so ordered, the Court may give the owner of such thing an option to pay, in lieu of confiscation, such sum of money as the Court may think fit.

In any other case when anything liable to confiscation under this Act has been seized, the Commissioner may, subject to such rules as the Governor in Council may prescribe, order the confiscation thereof.

Disposal of things seized.

72. The Governor in Council may by rule provide in regard to things liable to be seized under this Act—

- (a) that the owner or person having the charge of any animal seized and detained shall provide from day to day for its keep while detained, and that, if he omits to do so, such animal may be sold by public auction, and the expenses (if any) incurred on account of it defrayed from the proceeds of the sale :
- (b) that when anything is seized and an order for its release is subsequently passed, and the owner does not, within a period to be fixed by such rule, appear to claim such thing and tender the duties, penalties and charges (if any) due in respect thereof, it may be sold by public auction, and such duties, penalties and charges be defrayed from the proceeds of the sale :
- (c) that the surplus proceeds of a sale under clause (a) or clause (b) of this section shall, if not claimed by the owner of the thing seized within a period to be fixed by such rule, be forfeited to Government.

Power to cancel and suspend licenses.

73. The Commissioner may cancel any license if the licensee shall have been convicted of any offence under this Act, or may suspend or cancel any license in case of breach of the conditions thereof.

CHAPTER VII.

PENALTIES.

Penalties for removal of salt without or in excess of permits, etc.

74. Any person who—

- (a) removes any salt without or in excess of the permits rendered necessary by this Act ; or

¹ For rules under ss. 71 and 72 taken in conjunction with s. 85 (b), see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, p. 765

(Chap. VII.—Penalties. Secs 75-77.)

- (b) except for agricultural or building purposes, excavates, collects or possesses salt-earth in any local area where it is contraband salt; or
- (c) manufactures contraband salt in any other way than by excavating or collecting salt-earth; or
- (d) purchases, obtains, possesses, sells or weighs contraband salt other than salt-earth knowing or having reason to believe it to be contraband; or
- (e) refines saltpetre without such license as is prescribed by Chapter IV of this Act; or
- (f) attempts to commit or within the meaning of the Indian Penal Code¹ abets the commission of any of the above acts,

shall on conviction be punishable for every such offence with imprisonment for a term not exceeding six months, or with fine not exceeding five hundred rupees, or with both.

75. Any person who is guilty of any act or intentional omission in contravention of section 44 of this Act or of any rule framed by the Governor in Council under clauses (c), (e) and (g) of section 85 or of any permit granted under this Act, shall on conviction be punishable with fine which may extend to two hundred rupees.

Penalty for act or omission in contravention of section 44, or of any rule under clauses, (c) (e) and (g) of section 85, or of any permit.

76. Any officer of the Salt, Police, Land-revenue, Abkari or Customs Departments, or any head of a village, who enters for the purposes of search any house, building, vessel or enclosed place, without reasonable cause to believe that contraband salt is manufactured, sold or kept therein; or who vexatiously and unnecessarily seizes any article on the pretence of seizing or searching for contraband salt, or who vexatiously and unnecessarily detains, searches or arrests any person or stops or detains any vehicles or vessels in transit, or who in any other way vexatiously exceeds his lawful powers, shall on conviction be punishable with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to six months, or with both.

Penalty for vexatious abuse of power by officer of Salt or other Department or by head of village.

77. Any Salt or other officer exercising powers under this Act or any other person who vexatiously and unnecessarily delays forwarding to the Inspector or to the officer in charge of the nearest police-station, as required by

Penalty for vexatious delay by officer of Salt or other Department.

¹ For Act XLV of 1860, see General Acts, Vol. I, p. 240.

(*Chap. VII.—Penalties. Secs. 78-79. Chap. VIII.—General Provisions. Secs. 80-82.*)

Penalty for
Salt-officer
refusing
to perform
duties,
or using
violence to
person in
custody.

section 53 of this Act, any person arrested or any article seized under this Act, shall be punished with fine which may extend to two hundred rupees.

78. Any Salt-officer who without lawful excuse shall cease or refuse to perform or shall withdraw himself from the duties of his office, unless expressly allowed to do so in writing by the Commissioner or unless he shall have given to his superior officer two months' previous notice in writing of his intention to do so; or

who shall offer any unwarrantable violence to any person in his custody;

shall, on conviction, be punishable with fine which may extend to six months' pay, or with imprisonment which may extend to three months, or with both.

What things
liable to
confiscation.

79. All contraband salt;

all salt, saltpetre, saline substances or salt-earth in regard to which any offence relating to salt may be proved to have been committed;

all vessels, vehicles, materials, implements, utensils, animals, packages and coverings employed in the manufacture, purchase, sale, keeping, concealment or conveyance thereof, or in otherwise dealing therewith;

shall be liable to confiscation.

CHAPTER VIII.

GENERAL PROVISIONS.

Publication
of rules and
notifications.

80. All rules made and notifications issued under this Act shall be made and issued by publication in the Fort St. George Gazette: Provided that all such rules and notifications whereby any act or omission is made punishable shall be published in three successive issues of the Fort St. George Gazette and for at least two months in the official Gazettes of the districts to which or to parts of or to places in which it may be determined that they shall apply. All such rules and notifications shall thereupon have the force of law and be read as part of this Act, and may in like manner be varied, suspended or annulled.

Mode of
conferring
powers, &c.

81. All notifications and orders conferring powers or imposing duties under this Act may refer to persons by name or by office or to classes or officials generally by their official titles.

Service

82. Whenever under the provisions of this Act it may be necessary to

serve any person with a summons or a notice, or to tender a license, such service or tender shall be made in accordance with the provisions of the Code of Criminal Procedure¹ regarding the service of summons, so far as they may be applicable to the circumstances of the case : of summons, etc.

Provided that a registered letter addressed to the usual residence of any person may be substituted for any other mode of serving a summons or notice upon that person.

And provided also that when a notice has to be served upon the general body of the licensees of a salt-factory it shall be sufficient to affix the notice to a prominent part of the factory office and to keep it so affixed for not less than seventy-two hours.

83. All contraband salt found in any house, building or enclosed place shall be presumed, until the contrary is proved, to be in the possession of the occupier of such house, building or place. Presumption as to possession.

84. All sums recoverable under this Act or in any way due to Government on account of the salt-revenue may be deducted by the Commissioner from any money owing to the person from whom such sums may be recoverable or due which may be in the hands of the Commissioner or under his disposal or control or may be recovered by the Commissioner by attachment and sale of salt belonging to such person and remaining within the limits of a factory. If not so recovered, such sums may be recovered by Collectors of districts on application from the Commissioner as if they were arrears of land-revenue. Recovery of sums due to Government.

85.² The Governor in Council may from time to time make rules consistent with this Act for regulating the following matters, namely :— Power to make rules.

(a) the grant of licenses and permits and the particulars and conditions to be contained therein ;

³ (b) the registry and acceptance of transfers and relinquishments of licenses ;

(c) the manufacture, storage, sale and removal of salt or saltpetre in and from salt-factories ;

⁴ (d) the time for the payment of duty and other charges and the assessment of such charges ;

¹ See now Act V of 1898, General Acts, Vol. VI.

² For rules for the manufacture, storage and removal of salt, see Fort St. George Gazette, 1899, Pt. I, p. 1891.

³ For rules for the registry of licenses, see Fort St. George Gazette, 1899, Pt. I p. 1896.

⁴ For rules as to payment of duty leviable on salt, see Fort St. George Gazette, 1899, Pt. I, p. 1899.

(Chap. VIII.—General Provisions. Secs. 86-87.)

- ¹ (e) the manufacture and refinement of saltpetre ;
- ² (f) the grant of batta to witnesses and of compensation for loss of time to persons released by an Inspector on the ground that they have been improperly arrested, and to persons charged before a Magistrate with offences under this Act and acquitted ;
- (g) the routes by which salt shall be taken to a preventive station ;
- (h) the disposal of things seized or confiscated ; and
- (i) generally the carrying out of the provisions herein contained.

Appeal
against
orders.

86. An appeal shall lie from all proceedings and orders of officers appointed under this Act to their respective immediate superiors.

Limitation.

87. No action shall lie against the Secretary of State for India in Council or against any officer in respect of any order passed or act *bona fide* done or ordered to be done under this Act. No suit or prosecution shall be instituted for anything done or ordered to be done under this Act after the expiration of six months from the accrual of the cause of action or from the date of the act or order complained of.

SCHEDULE.

¹ For rules issued under cl. (e) in conjunction with ss. 38 and 39, see Fort St. George Gazette, 1899, Pt. I, p. 1888.

² For rules for the grant of batta to witnesses and the grant of compensation in certain cases, see Fort St. George Gazette, Pt. I, p. 1897.

³ The Schedule annexed to this Act, was repealed by the Repealing and Amending Act, 1901 (XI of 1901)—see the Third Schedule, Part III.

(Secs. 1-4.)

ACT No. II of 1890.¹

[1st April, 1890 ; 9th May, 1890.]

An Act to make better provision for the establishment of Canals and Public Ferries in the Presidency of Madras and for the management thereof.

WHEREAS it is expedient to make better provision for the establishment of canals and public ferries in the Presidency of Madras and for the management thereof ; It is enacted as follows :—

1. This Act may be called the Canals and Public Ferries Act, 1890.

Short title
and local
extent.

It extends to the whole of the Presidency of Madras.

2. [Repeat.] *Rep. by the Repealing and Amending Act, 1901 (XI of 1901).*

3. In this Act “vessel” includes any ship, barge, boat, raft, timber, bamboo or floating materials propelled in any manner: Definitions.

“channel” includes any waterway, whether natural or artificial :

“line of navigation” means any navigable channel, or series of connected navigable channels :

“canal” means a line of navigation declared to be subject to the provisions of this Act :

“ferry” means a place at which goods, animals or passengers are conveyed across a channel by means of vessels :

“public ferry” means a ferry declared to be subject to the provisions of this Act.

4. The Governor in Council may, by notification² in the Fort St. George Gazette, declare any line of navigation to be subject to the provisions of this

Power to
apply Act to
any line of
navigation.

¹ For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 31d December, 1889, p. 3 ; for Report of the Select Committee, see *ibid* dated 25th February, 1890, p. 1 ; for Proceedings in Council, see *ibid* dated 28th January, 1890, p. 2, and *ibid* dated 1st April, 1890, p. 3.

The Act came into force on the 1st August, 1890—see Fort St. George Gazette, 1890, Pt. I, p. 529.

² For notifications under this section, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, p. 766.

(Secs. 5-7.)

Act from a date to be named in such notification, and may in like manner cancel or modify any such notification.

Vessels to be registered or licensed as directed by Government.

5.¹ All vessels using a canal shall be either licensed or registered as the Governor in Council may direct.

Power to fix fees and rates of toll and to establish toll-stations.

6.² The Governor in Council may from time to time—

- (a) fix rates of fees payable for the licensing or registration of vessels ;
- (b) establish stations at which tolls shall be levied on vessels passing along a canal or on passengers, vehicles, animals or goods landed therefrom, and fix the rates of such tolls ;
- (c) fix fees for the use of public landing-places, wharves, piers, jetties, docks, basins, lie-byes, sidings, sheds or warehouses provided for the accommodation of vessels using a canal or of goods or passengers carried or to be carried thereon and for demurrage on vessels or goods detained therein.

A notification of such tolls or fees under clauses (b) and (c) of this section shall be exhibited to public view in English and in the vernacular language of the district at the places where such tolls or fees are leviable.

Power of person duly authorized to impose punishment for breach of condition of license and to deal with any obstruction or with navigation in contravention of Act.

7. Any person duly empowered by Government in this behalf may—

- (i) suspend or cancel the license or registration of any vessel in case of breach of any condition thereof, or in lieu of such suspension or cancellation or of prosecution may recover from the person in charge of the vessel a penalty not exceeding five rupees for each such breach ;
- (ii) remove from the canal any vessel which may be sunk or abandoned therein, and may recover any expense incurred in so doing by the sale of the vessel : a vessel left for more than three days without a competent person in charge shall be held to be abandoned ;
- (iii) in case of emergency remove any other obstruction, or contrivance for fishing, or other thing which is an impediment to navigation,

¹ This section was substituted for the original section by Mad. Act II of 1895, s. 1, printed, *infra*, p. 955.

² For notifications under this section, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, p. 768 ; see also Fort St. George Gazette, 1899, Pt. I, p. 773.

or in other cases serve notice upon the owner, if any, to remove any such thing within a reasonable time to be stated in the notice, failing which he may remove it himself. Expenses incurred under this clause shall be recoverable from the owner: Provided always that, in cases of interference with private rights, reasonable compensation shall be payable;

- (iv) prohibit the construction of any contrivance for fishing or for any other purpose in the canal or any erection therein or on a tow-path or other land appurtenant thereto;
- (v) stop any vessel navigating the canal in contravention of any of the provisions of this Act or of any rule made or any condition of license or registration prescribed thereunder, and may detain it until the same is complied with or until penalty has been paid or recovered under clause (i) of this section or until the offence, if any, has been inquired into and disposed of.

Powers under this section may be conferred either by name or in virtue of an office.

8. The Governor in Council may, by notification ¹ in the Fort St. George Gazette, declare any ferry to be subject to the provisions of this Act from a date to be named in such notification, and may define the limits of such ferry. The Governor in Council may, in like manner, cancel or modify any such notification.

Power to apply Act to any ferry and define limits of ferry.

9. From such date all previously existing rights of ferry within the limits defined in the notification shall cease and determine, and it shall be unlawful for any person not duly authorized to convey goods, animals or passengers by means of vessels across a channel within such limits while such notification is in force: Provided that, when rights of ferry are extinguished under this section, compensation shall be payable for such extinction and shall be assessed as near as may be under any law for the time being in force relating to the acquisition of land for public purposes.

Upon such application existing rights of ferry to cease. Proviso.

10. The Governor in Council may provide for the management of public ferries or may authorize any person to convey goods, animals or passengers across a channel by means of vessels at a public ferry. All vessels so used by such person shall be licensed, and the Governor in Council may fix the fees payable for such license and also the tolls leviable upon passengers,

Power to provide for management of ferries and fix fees and rates of toll.

¹ For notifications under this section and this section taken in conjunction with s. 10, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, pp. 769 to 791.

animals, vehicles and goods conveyed across such ferry. A notification of such tolls shall be exhibited to public view in English and the vernacular of the district on each side of the ferry.

Power to assign management of ferry to Local Board or Municipal Council.

11. The management of any canal or public ferry may, by order of the Governor in Council, be assigned to a Local Board or Municipal Council, and thereupon in every such case the revenue accruing therefrom shall be credited to the funds of such managing authority, which shall exercise all the powers stated in section 7, and may, subject to the control of Government, confer such powers on its servants. All persons duly empowered under section 7 shall be deemed to be public servants within the meaning of the Indian Penal Code¹.

XLV of
1860.

Power to appoint persons to collect tolls or fees and to lease out collection thereof.

12.² The Governor in Council or the managing authority shall appoint persons to collect tolls or fees payable under this Act. The collection of such tolls or of fees other than license-fees may, under such conditions as the Governor in Council may from time to time prescribe, be leased out, and in such case the lessee and his agents and servants shall be deemed to be so appointed.

Procedure in case of non-payment of toll, etc., on demand.

13. In case any tolls, fees other than license-fees or penalties payable under this Act are not paid when demanded by a person duly appointed or empowered to collect or impose the same, such person may seize any vessel, goods, vehicles or animals in respect of which such toll, fee or penalty is payable or anything in the possession of a passenger or person who is liable to such toll, fee or penalty, and any person empowered by Government or the managing authority in this behalf may sell the same by auction after fifteen days' public notice of the sale if such toll, fee or penalty is still unpaid. After deduction of such toll, fee or penalty and of the expenses of sale, the surplus proceeds, if any, shall be paid to the person from whose possession the thing sold was taken.

What payments may be recovered as arrears of revenue.

14. All canal and ferry rents and expenses incurred under section 7 may be recovered by the Collector of the district in like manner as if they were arrears of land-revenue.

Form, etc., of licenses and registrations.

15. All licenses granted and registrations effected under this Act shall be in such form, shall be valid for a voyage or for such time, and shall contain, or be subject to, such conditions as the Governor in Council may from time to time direct.

¹ Printed, General Acts, Vol. I, p. 240.

² For list of notifications under this section, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, p. 792.

(Secs. 16-19.)

16.¹ The Governor in Council may make rules in respect of any canal or public ferry for all or any of the following purposes:—

Power to make rules.

- (i) declaring the powers to be exercised by any person employed under this Act ;
- (ii) providing for the grant of licenses, for the inspection of licensed vessels, and for their maintenance in good condition ;
- (iii) regulating the dimensions and free board of vessels using any canal or public ferry, the equipment of the same, and the number of passengers and the nature and quantity of cargo to be carried therein ;
- (iv) regulating the speed at which vessels shall be moved, the passing of vessels, the lights to be exhibited by vessels moving or at anchor, the working of locks, the mooring of vessels, and the use of landing-places, wharves, piers, jetties, docks, basins, lie-byes, sidings, sheds or warehouses ;
- (v) the disposal of vessels or other things confiscated or seized under this Act ;
- (vi) for the convenience of passengers ; and generally for the purpose of this Act.

17. Any person who breaks any rule made under this Act shall be punishable on conviction by a Criminal Court with fine not exceeding fifty rupees in case of a single offence, and, in case of a continuing offence, not exceeding ten rupees for every day during which such offence continues. If the offence is such as to endanger human life, the punishment may extend to imprisonment of either description for one year or to fine of five hundred rupees, or both.

Penalty for breach of rule.

18. Any person navigating a canal or establishing or working a ferry in contravention of section 5 or 9 of this Act shall be liable on conviction before a Criminal Court to fine not exceeding five hundred rupees.

Penalty for navigating a canal or establishing or working a ferry in contravention of section 5 or 9.

19. Any person who refuses or evades payment of any toll or fee payable under this Act, or without due authority levies any toll or fee under colour of this Act, or, being empowered to collect tolls or fees under this Act, collects

Penalty for evasion of toll or fee and for

¹ For list of notifications under this section, see Madras List of Local Rules and Orders, E.I. 1898, Vol. II, p. 792 ; see also Fort St. George Gazette, 1899, Pt. I, p. 753 ; *ibid.*, 1901, Pt. I, p. 1080.

(Sec. 20.)

Local Boards.

[1890 : Mad. Act III.

(Sec. 1.)

unauthorized
levy of toll,
etc.

or receives any sum in excess of the lawful due, shall on conviction by a Criminal Court be punishable with imprisonment of either description not exceeding one month, or with fine not exceeding one hundred rupees, or with both.

Power of
Court to
order
confiscation.

20. On conviction had of any offence under this Act, the Court may order that any vessel or other thing used in the commission of such offence shall be confiscated.

MADRAS ACT No. III of 1890.¹

[9th April, 1890; and 24th May, 1890.]

An Act to amend the Madras Local Boards Act, 1884, and the Madras Rent Recovery Act, 1865.

WHEREAS it is expedient to amend the Madras Local Boards Act, 1884,² Mad. V of 1884. and the Madras Rent Recovery Act, 1865²; It is hereby enacted as follows:— Mad. VIII of 1865.

1. (1) In clause (iii), section 64, of the Madras Local Boards Act, 1884, between the word “tenants” and the word “shall,” the following shall be inserted, namely:—

“together with any water-rate which may be payable for their irrigation.”

(2) In the same clause of the same section, for the last fifty-two words, the following shall be substituted, namely:—

“and where such lands are occupied by the owner himself or by any person holding the same from him free of rent or at a favourable rent, the annual rent-value shall be taken to be the rent ordinarily payable to the landholder for lands of similar quality leased out by him in the neighbourhood, together with any water-rate which may be payable for the irrigation of the lands so occupied by the owner himself, or by any person holding the same from him as aforesaid.”

¹ Short title, “The Madras Local Boards and Rent Recovery (Amendment) Act, 1890” —see the Repealing and Amending Act, 1901 (XI of 1901).

For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 3rd December, 1889, p. 1; for Report of the Select Committee, see *ibid* dated 4th March, 1890, p. 1; for Proceedings in Council, see *ibid* dated 28th January, 1890, p. 2, and *ibid* dated 1st April, p. 1.

The Act came into force from 1st July, 1890 —see Fort St. George Gazette, 1890, Pt. I, p. 815.

The Act has been declared, by notification under s. 3 (a) of the Scheduled Districts Act, 1874 (XIV of 1874), to be in force in the Scheduled Districts in Ganjam and Vizagapatam—see notification No. 285, dated 4th July, 1898, Fort St. George Gazette, 1898, Pt. I, p. 666, and Gazette of India, 1898, Pt. I, p. 869.

² Printed, *supra*, pp. 683 and 802, respectively.

(3) At the end of clause (iv) of the same section, after the word "quality" the following shall be added, namely :—

"to which shall be added the water-rate payable for the irrigation of the lands of which the revenue or rent is paid in kind."

(4) For the proviso to the same section the following shall be substituted, namely :—

"Provided that where any landholder has been permitted by the Collector under the provisions of clause iv, section 11, Madras Act VIII of 1865 to increase his rent in consequence of any additional payment by way of water-rate made by him to Government, the annual rent-value shall be the balance remaining after deducting such increase of rent up to the amount of the water-rate from the sum ascertained as aforesaid."

2. In section 65 of the same Act, at the end, the following shall be added, namely :—

"exclusive of the water-rate, if any, payable, by his tenant direct to Government."

3. In section 72 of the same Act, for the last nine words the following shall be substituted, namely :—

"payable by the landholder shall be entered in his patta."

4. (1) In section 73 of the same Act, between the word "aforesaid" and the word "on" the following shall be inserted, namely :—

"exclusive of the amount of such tax, if any, payable by the tenant as hereinafter provided."

(2) In the same section, after the word "declare" the following shall be added, namely :—

"And, if such lands be occupied by a tenant paying water-rate direct to Government, such tenant shall pay to the Collector together with the water-rate the local tax due on the amount of such water-rate."

(3) In the proviso to the same section, after the word "payable" and before the word "in" the following shall be inserted, namely :—"by the landholder."

5. In section 75 of the same Act, before the word "revenue" the words "permanently-settled" shall be inserted, and in the proviso to the same section, between the words "payable" and "to" the words "by him" shall be inserted.

6. In section 76 of the same Act, after the word "aforesaid" the following shall be inserted, namely :—

"or a tenant shall have failed to pay, either in whole or in part, the tax

(Sec. 7.)

General Clauses.

[1891: Mad. Act I.

(Secs. 1-2. Chap. I.—Definitions. Sec. 3.)

due by him, on the water-rate payable direct by him to Government in respect of lands occupied by him."

7. In the second proviso to clause iv, section 11 of Madras Act VIII of 1865, as amended by Madras Act II of 1871, for the words "pay an additional value" the words "make an additional payment" shall be substituted.

MADRAS ACT No. I of 1891.¹

[3rd April, 1891; 14th May, 1891.]

An Act for further shortening the language used in Acts of the Governor of Fort St. George in Council and for other purposes.

WHEREAS it is expedient to further shorten the language used in Acts made by the Governor of Fort St. George in Council and to make certain further provisions relating to those Acts; It is hereby enacted as follows:—

Short title.

1. (a) This Act may be called the Madras General Clauses Act, 1891; and

Commence-
ment.
Saving
clause.

(b) It shall come into force on the first day of January, 1892.

2. Notwithstanding anything contained in the Madras General Clauses Act, 1867², the provisions of that Act shall not apply to this Act or to any Act of the Governor of Fort St. George in Council which may be passed subsequent to the commencement of this Act.

Mad. I of
1867.

CHAPTER I.

Definitions.

Definitions.

3. In this Act and in every Act made by the Governor of Fort St. George in Council after the commencement of this Act, unless there be something repugnant in the subject or context,—

"Abet."

(1) "Abet," with its grammatical variations and cognate expressions, shall have the same meaning as in the Indian Penal Code³.

"Barrister."

(2) "barrister" shall mean a barrister of England or Ireland or a member of the Faculty of Advocates in Scotland:

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1860.

¹ For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 3rd March, 1891, p. 5; for Report of the Select Committee, see *ibid* dated 10th *idem*, p. 1; for Proceedings in Council, see *ibid* dated 10th *idem*, p. 2, and *ibid* dated 7th April, 1891, p. 1.

² Printed, *supra*, p. 333.

³ Printed, General Acts, Vol. I, p. 240.

(Chap. I.—Definitions. Sec. 3.)

(3) "British India" shall mean all territories and places within Her Majesty's dominions which are, for the time being, governed by Her Majesty through the Governor General of India or through any Governor or other officer subordinate to the Governor General of India :

"British India."

(4) "Chapter," "part," "section" and "schedule" shall mean respectively a Chapter, part and section of, and schedule to, the Act in which the word occurs :

Chapter, part, section and schedule.

(5) "City of Madras" shall mean such local area as is declared from time to time to be the City of Madras under any Act for the time being in force relating to the municipal affairs of such city :

"City of Madras."

(6) "Collector" shall include every officer who, for the time being, is authorized to exercise the powers of a Collector :

"Collector."

(7) "commencement," used with reference to an Act, shall mean the time at which the Act comes into force :

"Commencement."

(8) "District Collector" shall mean the chief local officer in charge of the revenue-administration of a district :

"District Collector."

(9) "document" shall mean any matter expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, intended to be used, or which may be used, as evidence of that matter :

"Document."

(10) "financial year" shall mean the year commencing on the first day of April :

"Financial year."

(11) nothing is said to be done or believed in "good faith" which is done or believed without due care and attention :

"Good faith."

¹ [(12) "Local Government" shall mean the Governor of Fort St. George in Council:]

"Local Government."

(13) "Her Majesty" shall include Her heirs and successors to the Crown :

"Her Majesty."

(14) "immoveable property" shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth :

"Immoveable property."

XLV of
1860.

(15) "imprisonment" shall mean imprisonment of either description as defined in the Indian Penal Code :

"Imprisonment."

(16) "judicial proceeding" shall mean any proceeding in the course of which evidence is, or may be, legally taken :

"Judicial proceeding."

(17) "local authority" shall mean a Municipal Committee, District Board, body of Port Commissioners or other authority legally entitled to, or

"Local authority."

¹ Substituted by Mad. Act II of 1896, s. 1, printed *infra*, p. 967.

entrusted by the Government with, the control or management of a municipal or local fund :

- “Magistrate.” (18) “Magistrate” shall mean any person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure, 1882¹: X of 1882.
- “Moveable property.” (19) “moveable property” shall mean property of every description except immoveable property :
- Oath, swear and affidavit. (20) “oath,” “swear” and “affidavit” shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing :
- “Offence.” (21) “offence” shall mean any act or omission made punishable by any law for the time being in force :
- “Person ” (22) “person” shall include any company or association of individuals, whether incorporated or not :
- “Place.” (23) “place” includes also a house, building, tent and vessel :
- “Presidency of Madras” (24) “Presidency of Madras” shall mean the territories within British India for the time being under the administration of the Governor of Fort St. George in Council :
- “Presidency-town” (25) “Presidency-town” shall mean the local limits for the time being of the ordinary original civil jurisdiction of the High Court of Judicature at Madras :
- “Public.” (26) “public” includes any class of the public or any community :
- “Public nuisance.” (27) “public nuisance” shall have the meaning assigned to that expression in section 268 of the Indian Penal Code²: XLV of 1860.
- “Registered.” (28) “registered” shall mean registered in British India under the law for the time being in force for the registration of documents :
- “Sign.” (29) “sign,” with its grammatical variations and cognate expressions, shall, with reference to a person who is unable to write his name, include “mark” with its grammatical variations and cognate expressions :
- “Son” and “father.” (30) in the case of any one whose personal law permits adoption, “son” shall include an adopted son, and “father” an adoptive father :
- “Sub-section.” (31) “sub-section” shall mean a sub-section of the section in which the word occurs :
- “Value.” (32) “value,” used with reference to a suit, shall mean the amount or value of the subject-matter of the suit, computed according to the law for the time being in force regulating the valuation of suits for purposes of jurisdiction :

¹ See now the Code of Criminal Procedure, 1898, (Act V of 1888), printed, General Acts, Vol. VI.

² Printed, General Acts, Vol. I, p. 240.

(Chap. II.—General Provisions applicable to future Acts. Secs 4-7.)

(33) "will" shall include a codicil and every writing making a voluntary posthumous distribution of property : "Will."

(34) words importing the masculine gender shall include females : Gender.

(35) words in the singular shall include the plural, and words in the plural shall include the singular : Number.

(36) words which refer to acts done extend also to illegal omissions : Illegal omissions.

(37) "writing," with its grammatical variations and cognate expressions, shall include "printing," "lithography," "photography," with their grammatical variations and cognate expressions, and other modes of representing or reproducing words in a visible form : "Writing."

(38) "year" and "month" shall, respectively, mean a year and month reckoned according to the British calendar. Year and month.

CHAPTER II.

GENERAL PROVISIONS APPLICABLE TO FUTURE ACTS.

4. This Chapter shall apply to all Acts made by the Governor of Fort St. George in Council after the commencement of this Act, unless a contrary intention appears in such Acts. Application of Chapter II. to all future Acts.

5. Every Act to which this Chapter applies and in which no time is mentioned or provision made for its commencement, shall come into force upon the first publication, made in pursuance of section 40 of the Indian Councils Act, 1861,¹ by the Governor of Fort St. George of the assent thereto of the Governor General of India; and in every such Act the date of such first publication shall be printed either above or below the title of the Act and shall form part of every such Act. Commencement of future Acts.

6. Where, by an Act to which this Chapter applies and which is not to come into force immediately on the passing thereof, a power is conferred on Government or other authority to make rules, or to issue orders, with respect to the application of the Act, or with respect to the appointment of any officer thereunder, such power may be exercised at any time after the passing of the Act, but rules or orders so made or issued shall not take effect till the commencement of the Act. Making of rules and issue of orders between passing and commencement of Act.

7. Where, by an Act to which this Chapter applies, a power to make rules is expressed to be given, subject to the condition of the rules being made after previous publication, the following provisions shall apply, namely :— Provisions regulating the making of rules after previous publication.

(a) the authority having the power to make the rules shall, before making them, publish a draft of the proposed rules; Publication of draft rules.

¹ 24 & 25 Vict., c. 54, printed, Vol. I of the Collection of Statutes relating to India, p. 339.

(Chap. II.—General Provisions applicable to future Acts. Secs. 8-9.)

Manner of publication.

(b) the publication shall be made in such manner as that authority deems to be sufficient, or, if the condition with respect to previous publication so requires, in such manner as the Government prescribes ;

Notice to accompany draft rules.

(c) there shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration ;

Consideration of suggestion in regard to draft rules.

(d) the authority having power to make the rules, and, where the rules are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make the rules from any person with respect to the draft, before the date so specified ;

Publication to be proof of due making of rules.

(e) the publication in the Port St. George Gazette of a rule purporting to have been made in exercise of a power to make rules after previous publication, shall be conclusive proof that the rule has been duly made.

Effect of repealing an Act.

8. Where any Act, to which this Chapter applies, repeals any other enactment, then the repeal shall not—

- (a) affect anything done or any offence committed, or any fine or penalty incurred or any proceedings begun before the commencement of the repealing Act ; or
- (b) revive anything not in force or existing at the time at which the repeal takes effect ; or
- (c) affect the previous operation of any enactment so repealed or anything duly done or suffered under any enactment so repealed ; or
- (d) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed ; or
- (e) affect any fine, penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed ; or
- (f) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, fine, penalty, forfeiture or punishment as aforesaid ; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such fine, penalty, forfeiture or punishment may be imposed, as if the repealing Act had not been passed.

Revival of repealed enactments.

9. In any Act to which this Chapter applies—

- (a) for the purpose of reviving, either wholly or partially, an Act or Regulation, wholly or partially repealed, it shall be necessary expressly to state such purpose ;

(Chap. II.—General Provisions applicable to future Acts. Secs. 10-11.

Chap. III.—General Provisions applicable to all Acts. Sec. 12.)

- (b) for the purpose of excluding the first in a series of days or any other period of time, it shall be sufficient to use the word "from"; Commencement of term.
- (c) for the purpose of including the last in a series of days or any other period of time, it shall be sufficient to use the word "to"; Termination of term.
- (d) for the purpose of expressing that a law relative to the chief or superior of an office shall apply to the deputies or subordinates lawfully executing the duties of such office in the place of their superior, it shall be sufficient to prescribe the duty of the superior; Application to subordinates of law relative to official superiors.
- (e) for the purpose of indicating the relation of a law to the successors of any functionaries, or of corporations having perpetual succession, it shall be sufficient to express its relation to the functionaries or corporations; and Application of law to successors of functionaries and corporations.
- (f) for the purpose of indicating the application of a law to every person or number of persons for the time being executing the functions of an office, it shall be sufficient to mention the official title of the officer at present executing such functions, or that of the officer by whom the functions are commonly executed. Application of law to persons for time being filling an office.

10. Where an Act, to which this Chapter applies, confers power to make rules or bye-laws or to issue orders, expressions used in such rules, bye-laws or orders shall, unless a contrary intention appears in the rules, bye-laws or orders, have the same respective meanings as in the Act conferring the power. Expressions used in bye-laws and orders to have same meaning as in Act under which they are made or issued.

* 11. Where, by an Act to which this Chapter applies, any act or proceeding is directed or allowed to be done or taken in a Court or office on a certain day or within a prescribed period, then, if the Court or office is closed on that day or the last day of the prescribed period, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court or office is open. Necessary extension of prescribed periods.

This section does not apply to any act or proceeding to which the Indian XV of 1877. Limitation Act, 1877, ¹ applies.

CHAPTER III.

GENERAL PROVISIONS APPLICABLE TO ALL ACTS.

12. This Chapter shall apply to all Acts made by the Governor of Fort St. Application

¹ Printed, General Acts, Vol. III.—see also now the revised edition of the Act as modified up to 1st April, 1899, published by the Legislative Department.

(Chap. III.—General Provisions applicable to all Acts. Secs. 13-20.)

of Chapter
III to all
Acts.

George in Council, unless a contrary intention appears in any such Act, but it shall not affect anything done or commenced prior to the commencement of this Act under any enactment now in force.

When powers
and duties
to be
exercised
and
performed.
Exercise of
power and
performance
of duty by
temporary
holder of
office.

13. Where an Act confers a power or imposes a duty, then the power may be exercised and the duty shall be performed from time to time as occasion requires.

14. Where an Act confers a power or imposes a duty on the holder of an office, as such, then the power may be exercised and the duty shall be performed by the holder for the time being of the office.

Revocation
and
alteration
of rules,
bye-laws and
orders.

15. Where an Act confers a power to make any rules or bye-laws, or to issue orders, the power shall be construed as including a power exercisable in the like manner and subject to the like consent and conditions, if any, to rescind, revoke, amend or vary the rules, bye-laws or orders.

Duty leviable
pro rata.

16. Whenever by an Act any duty of customs or excise or in the nature thereof is leviable on any given quantity, by weight, measure or value, of any goods or merchandise, a like duty shall be leviable according to the same rate on any greater or less quantity.

Mode of
conferring
powers and
imposing
duties.

17. Whenever by an Act authority is given to confer powers or impose duties, such powers may be conferred or duties imposed by name or by office or on classes of officials generally by their official titles.

References to
provisions in
Acts repealed
and re-
enacted.

18. Where an Act repeals and re-enacts, with or without modification, all or any of the provisions of a former Act, references in any other Act to the provisions so repealed shall be construed as references to the provisions so re-enacted, and if notifications have been published, proclamations or certificates issued, powers conferred, forms prescribed, local limits defined, offices established, orders, rules and appointments made, engagements entered into, licenses or permits granted, and other things duly done, under the provisions so repealed, the same shall be deemed, so far as the same are consistent with the provisions so re-enacted, to have been respectively published, issued, conferred, prescribed, defined, established, made, entered into, granted or done under the provisions so re-enacted.

Recovery of
fines.

19. The provisions of sections 63, 68, 69 and 70 of the Indian Penal Code¹ shall apply to all fines imposed under the authority of any Act.

Punishment
for offences

20. Where an act or omission constitutes an offence under two or more

¹ Printed, General Acts, Vol. I, p. 240.

(Chap. III.—General Provisions applicable to all Acts. Secs. 21-22.)

1892: Mad. Act I.]

Madras Harbour Trust.

enactments, the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same act or omission.

under more than one enactment.

21. Where in any Act, or in any rule passed under any Act, it is directed that any order, notification or other matter shall be notified or published, such notification or publication shall, unless the Act otherwise provides, be deemed to be duly made if it is published in the Fort St. George Gazette.

Publication of orders and notifications in the Fort St. George Gazette.

22. When, by an Act, Government is empowered to extend or apply an Act or any provision of an Act to any place in, or to any portion of, the Presidency of Madras, the Government may, in any order extending or applying such Act or provision or in a subsequent order, notify the time at which the same shall come into force in the place or portion of the Presidency to which it is so extended or applied; and, unless it is otherwise provided in the Act, Government may, by notification in the Fort St. George Gazette, from time to time postpone the time at which the Act or provision shall come into force in such place or portion of the Presidency, or cancel the order for extending or applying the same to such place or portion of the Presidency :

Determination of the times at which Acts or provisions of Acts extended or applied by Government to certain places shall come into force.

Provided that no order postponing the time at which an Act or provision shall come into force, or cancelling an order for extending or applying the same, shall be made after the Act or provision has actually come into force in the place or portion of the Presidency to which such order relates.

Proviso

MADRAS ACT No. I OF 1892.¹

[14th August, 1891; 12th January, 1892.]

An Act to amend Madras Act II of 1886 (the Madras Harbour Trust Act).

WHEREAS it is expedient to further amend Madras Act II of 1886² (the Madras Harbour Trust Act) ; It is hereby enacted as follows :—

1. [Commencement.] *Rep., by the Repealing and Amending Act, 1901 (XI of 1901).*

¹ Short title “ The Madras Harbour Trust (Amendment) Act, 1892 ”—see the Repealing and Amending Act, 1901 (XI of 1901).

For Statement of Objects and Reasons see Fort St. George Gazette, Supplement dated 30th June, 1891, p. 1; for Report of the Committee, see *ibid* dated 21st July, 1891, p. 1; for Proceedings in Council see *ibid* dated *idem* p. 1, and *ibid* dated 11th August 1891, p. 1.

The Governor General's assent to this Act was published in Fort St. George Gazette of 2nd February, 1892.

² Printed *supra*, p. 810.

(Sec. 2-4.)

(Secs. 1-6.)

Amendment
of section 45.

2. To clause (a) of section 45, after the word "at" shall be added the words "and for the portorage of goods on, from, or within."

Amendment
of section 70.

3. For the fourth clause of section 70 the following shall be substituted :—

[*Vide supra*, p. 829.]

Construction
clause.

4. Madras Act II of 1886 shall be read as if sections 45 and 70 thereof had always contained the words added thereto by sections 2 and 3, respectively, of this Act.

MADRAS ACT No. II OF 1892.¹

[15th January 1892 ; 18th March, 1892.]

An Act to amend Acts I and VII of 1884 (Madras).

Preamble.

WHEREAS it is necessary to amend Act I of 1884 (the City of Madras Municipal Act) and Act VII of 1884 (*an Act to amend Act I of 1884*) ; It is hereby enacted as follows :—

Interpreta-
tion of the
word
" section."

1. Where not otherwise expressly stated, the sections declared to be amended by this Act are the sections of Act I of 1884.

2. [*Repeal of certain sections.*] *Rep. by the Repealing and Amending Act, 1901 (XI of 1901).*

Amendment
of section 3.

3. For section 3 (j), (l) and (o) the following shall be substituted :—
[*Vide supra*, pp. 422 and 423.]

New section
substituted
for section 6.

4. For section 6 the following shall be substituted :—
[*Vide supra*, p. 425.]

New section
substituted
for section 7.

5. For section 7 the following shall be substituted :—
[*Vide supra*, p. 425.]

New clause
substituted
for clause (e)
of section 9.

6. For clause (e) of section 9 the following shall be substituted :—
[*Vide supra*, p. 427.]

¹ Short title, "The Madras City Municipal (Amendment) Act, 1892"—*see* the Repealing and Amending Act, 1901 (XI of 1901).

For Statement of Objects and Reasons, *see* Fort St. George Gazette, Supplement dated 2nd November, 1886, p. 1 ; for Report of the Select Committee, *see ibid* dated 17th February, 1891, p. 1 ; for Proceedings in Council, *see ibid* dated 7th April, 1886, p. 5 ; *ibid* dated 2nd November, 1886, p. 10 ; *ibid* dated 18th November 1888, p. 15 ; *ibid* dated 10th March, 1891, p. 2 ; *ibid* dated 5th January, 1892, p. 2.

And after clause (f) the following paragraph shall be inserted :—

“and he must not have been convicted of an offence under section 18.”

7. For section 13 the following shall be substituted :—

[*Vide supra*, p. 427.]

8. For section 17 the following shall be substituted :—

[*Vide supra*, p. 428.]

9. For section 18 the following shall be substituted :—

[*Vide supra*, p. 429.]

10. For section 27 the following shall be substituted :—

[*Vide supra*, p. 430.]

11. For section 28 the following shall be substituted :—

[*Vide supra*, p. 431.]

12. To section 31 the following paragraph shall be added :—

[*Vide supra*, p. 431.]

13. In section 33 the following clause shall be inserted :—

[*Vide supra*, p. 433.]

14. For section 34 the following shall be substituted :—

[*Vide supra*, p. 433.]

15. For section 35 the following shall be substituted :—

[*Vide supra*, p. 434.]

16. For the first paragraph of section 36 the following shall be substituted :—

[*Vide supra*, p. 434.]

17. For section 37 the following shall be substituted :—

[*Vide supra*, p. 434.]

18. For section 38, as amended by section 5 of Act VII of 1884, the following shall be substituted :—

[*Vide supra*, p. 435.]

New paragraph inserted after clause (f).

No person qualified to vote who has been convicted of an offence under section 18.

New section substituted for section 13.

New section substituted for section 17.

New section substituted for section 18.

New section substituted for section 27.

New section substituted for section 28.

Addition to section 31.

New clause inserted in section 33.

New section substituted for section 34.

New section substituted for section 35.

New paragraph substituted for the first paragraph of section 36.

New section substituted for section 37.

New section substituted for section 38.

- New section substituted for section 39.** 19. For section 39, as amended by section 6 of Act VII of 1884, the following shall be substituted :—
[*Vide supra*, p. 435.]
- Amendment of section 43.** 20. In section 43 the words “ or any Health-officer of the Municipality ” shall be omitted.
- Amendment of section 44.** 21. For the second and third paragraphs of section 44 the following shall be substituted :—
[*Vide supra*, p. 436.]
- Amendment of section 45.** 22. For the first paragraph of section 45 the following shall be substituted :—
[*Vide supra*, p. 437.]
And in the second paragraph of this section the word “ the ” before the words “ carrying on the duties ” shall be omitted.
- New section substituted for section 46.** 23. For section 46 the following shall be substituted :—
[*Vide supra*, p. 437.]
- Addition to section 47.** 24. To section 47 the following paragraph shall be added :—
[*Vide supra*, p. 438.]
- New section substituted for section 49.** 25. For section 49 the following shall be substituted :—
[*Vide supra*, p. 438.]
- Amendment of section 50.** 26. For the word “ Vice-Presidents ” in section 50 shall be substituted the words “ officers appointed under section 37 ”.
- Amendment of section 52.** 27. For the word “ Vice-Presidents ” in section 52 shall be substituted the words “ officers appointed under section 37 who has been ”.
- Amendment of section 55.** 28. In section 55 the word “ Vice-President ” shall be omitted from the first and second paragraphs, and for the third paragraph the following shall be substituted :—
[*Vide supra*, p. 439.]
- Amendment of section 60.** 29. In the third paragraph of section 60, for the word “ Vice-Presidents ” shall be substituted the words “ officers appointed under section 37 who has been ”.
- Addition to section 61.** 30. To section 61 the following shall be added as clause (i) :—
[*Vide supra*, p. 442.]
- Amendment of section 62.** 31. For the first paragraph of section 62 the following shall be substituted :—
[*Vide supra*, p. 442.]
And in the second paragraph of the same section, for the fifth word “ there ” shall be substituted the words “ at the chief municipal office ”.

32. In section 67, for the word "five", shall be substituted the word "seven", and the words "and the two Vice-Presidents" shall be omitted. Amendment of section 67.

And the following proviso shall also be added to this section :—

[*Vide supra*, p. 444.]

33. For the first paragraph of section 68, as amended by section 7 of Act VII of 1884, shall be substituted the following :— Amendment of section 68.

[*Vide supra*, p. 444.]

34. In the first paragraph of section 69, for the words "At each of such meetings" shall be substituted the words "At each of the general meetings held in the months of April, June, August, October, December and February". Amendment of section 69.

And in the second paragraph of the same section, for the words "proceedings of the meeting," shall be substituted the words "proceedings of all meetings".

35. For the first paragraph of section 80 the following shall be substituted :— Amendment of section 80.

[*Vide supra*, p. 447.]

36. For the first paragraph of section 82 the following shall be substituted :— Amendment of section 82.

[*Vide supra*, p. 447.]

In the third paragraph of the same section, for the word "five" shall be substituted the word "four"; and the following shall be added as a fourth paragraph :—

[*Vide supra*, p. 448.]

37. For section 84, as amended by section 8 of Act VII of 1884, the following shall be substituted :— New section substituted for section 84.

[*Vide supra*, p. 448.]

38. For section 85, as amended by section 9 of Act VII of 1884, the following shall be substituted :— New section substituted for section 85.

[*Vide supra*, p. 448.]

39. In section 146, as amended by section 17 of Act VII of 1884, between the words "at any time when it is due" and the words "the President may" shall be inserted the words "or is convicted of an offence punishable under section 145". Amendment of section "146."

40. For the second paragraph of section 164 the following shall be substituted :— New paragraph substituted for the second paragraph of section 164.

[*Vide supra*, p. 466.]

41. For the words "by the President", at the close of the first paragraph of section 190, as amended by section 18 of Act VII of 1884, shall be Amendment of section 190.

substituted the words "by the President and two Commissioners as herein, after provided."

In the second paragraph of the same section, for the words "the President shall be assisted by two Commissioners" shall be substituted the words "the President shall be associated with two Commissioners";

and in the third paragraph of the same section, for the word "President" shall be substituted the word "majority".

Amendment
of section
192.

42. In the first and second paragraphs of section 192 the words "of the President" shall be omitted.

Amendment
of section
231.

43. In section 231, the words "if, after such notice, the water of such well, tank or reservoir is used by any person for drinking" shall be omitted, and in the following sentence, for the words "the President may require" shall be substituted the words "the President may also require".

Amendment
of section
232.

44. In section 232, for the words "If any person on whom a requisition has been duly served" shall be substituted the words "If any person on whom a requisition to carry out any work has been duly served".

Amendment
of section
236.

45. For the first three words of section 236 shall be substituted the words "The Commissioners may, subject to the provisions of section 441".

New section
substituted
for section
244.

46. For section 244 the following shall be substituted:—

[*Vide supra*, p. 483.]

Amendment
of section
254.

47. In section 254, after the word "streets" shall be inserted the words "or any building".

New section
substituted
for section
265.

48. For section 265 the following shall be substituted:—

[*Vide supra*, p. 488.]

Amendment
of section
266.

49. In the second paragraph of section 266, for the words "proposing to erect or restore the building" shall be substituted the words "proposing to construct or restore the building or well".

New
paragraph
substituted
for the first
paragraph
of section
267.

50. For the first paragraph of section 267, as amended by section 21 of Act VII of 1884, the following shall be substituted:—

[*Vide supra*, p. 489.]

Amendment
of section
268.

51. In section 268, for the words "such person may proceed with his building according to the plan submitted" shall be substituted the words "such person may proceed with his building or well according to the plan, statement and particulars submitted".

Amendment

52. In section 269, for the word "erection" shall be substituted the

word "construction", and after the word "building" shall be inserted the words "or well".

53. For section 271 the following shall be substituted:—

[*Vide supra*, p. 490.]

of section 269.

New section substituted for section 271.

54. For the first paragraph of section 272 the following shall be substituted:—

[*Vide supra*, p. 490.]

Amendment of section 272.

And in the second and third paragraphs of the same section, for the words "huts or sheds" shall be substituted throughout the words "hut or shed", and for the word "are" shall be substituted the word "is".

55. For the first paragraph of section 273 the following shall be substituted:—

[*Vide supra*, p. 491.]

New paragraph substituted for the first paragraph of section 273. Amendment of section 275.

56. In section 275, for the words "one hundred feet" shall be substituted the words "one hundred and fifty feet".

57. In the second paragraph of section 277, and in the first paragraph of section 279, after the word "owner" the words "or occupier" shall in every case be inserted.

Amendment of sections 277 and 279.

58. In section 291, for the words "within eight days from the service of notice from the President" shall be substituted the words "within such time from the service of notice from the President as may be specified in such notice".

Amendment of section 291.

59. At the end of the second paragraph of section 301, after the words "section 437" shall be inserted the words "or by the sale of any such building or land".

Amendment of section 301.

60. In the first and third paragraphs of section 302, before the word "repaired" shall be inserted the word "demolished".

Amendment of section 302.

61. In section 310, for the words "the President may provide such a moveable private receptacle" shall be substituted the words "the President may provide such moveable private receptacles as he thinks necessary"; and throughout sections 310, 311 and 312, for the word "receptacle" shall be substituted the word "receptacles".

Amendment of sections 310, 311 and 312.

62. At the end of the second paragraph of section 323, after the words "pulled down" shall be added the words "all the expenses so incurred shall be recoverable from the owner or occupier in the manner provided in section 437".

Amendment of section 323.

63. In the second paragraph of section 333, for the words "and the decision of the President thereon" shall be substituted the words "and the grant thereof by the President".

Amendment of section 333.

64. To section 341 the following paragraph shall be added:—

[*Vide supra*, p. 509.]

Addition to section 341.

New section
substituted
for section
343.

65. For section 343 the following shall be substituted :—

[*Vide supra*, p. 509.]

Amendment
of section 346.

66. In section 346, for the words “the flesh thereof” shall be substituted the words “any flesh intended for food”.

Amendment
of section 364.

67. In the first clause of section 364, for the words “(1) construct such drains and cess-pits therein as the President directs” shall be substituted the words “(1) construct such approaches, entrances, passages, gates, drains and cess-pits therein as the President directs”.

Amendment
of section 420.

68. In section 420, after the word “license” shall be added the word “permission”.

And to the same section the following paragraph shall be added :—

[*Vide supra*, p. 528.]

Amendment
of Schedule
A.

69. In Schedule A, class I (B), the word “Joint-stock” shall be omitted.

MADRAS ACT No. II OF 1893.¹

[9th March, 1893 ; 25th March, 1893.]

An Act to amend section 13 of the Land Customs Act, VI of 1844.

Preamble.

WHEREAS it is expedient to amend the Land Customs Act, VI of 1844 ;
It is hereby enacted as follows :—

Addition to
section 13 of
Act VI of
1844.
Construction
of Act.

1. To section 13 the following proviso shall be added (namely) :—

[*Vide supra*, p. 108.]

2. This Act shall be read as part of the Land Customs Act, VI of 1844.

¹ Short title, “Madras Inland Customs (Amendment) Act, 1893” — see the Repealing and Amending Act, 1901 (XI of 1901).

For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 20th September, 1892, p. 1 ; for Report of the Select Committee, see *ibid* dated 31st January, 1893, p. 10 ; for Proceedings in Council, see *ibid* dated 24th January, 1893, p. 5 ; *ibid* dated 7th March, 1893, p. 30.

The Governor General's assent to this Act was published for the first time in Fort St. George Gazette of 18th April, 1893.

MADRAS ACT No. III OF 1893.¹

[6th May, 1893; 30th June, 1893.]

An Act to provide for the inspection and management of Steam-boilers and Prime-movers in the Presidency of Madras.

WHEREAS it is expedient to provide for the inspection and management of steam-boilers and prime-movers; It is hereby enacted as follows:—

1. (1) This Act may be called the Madras Steam-boilers and Prime-movers Act, 1893. Preamble. Short title.

(2) It shall come into force on such day as the Government may, by notification² in the Fort St. George Gazette, direct. Commencement.

(3) It shall extend in the first instance only to the City of Madras, but the Government may, by notification in the Fort St. George Gazette, extend it, from such date as may be specified in the notification, to any other local area within the Presidency of Madras. Local extent.

(4) But nothing in this Act shall be deemed to apply to any boiler or prime-mover in any steam-vessel, or to any locomotive engine, boiler or prime-mover used upon or appertaining to any railway within the meaning of that word as defined in section 3, clause (4), of the Indian Railways Act, 1890³; or to any boiler used exclusively for domestic purposes at atmospheric pressure. Limitation of application of Act.

IX of 1890.

2. In this Act, unless there is something repugnant in the subject or context,— Definitions.

“boiler” includes any vessel used for generating steam under pressure and any apparatus closely attached thereto and affected by the steam-pressure: “Boiler.”

“prime-mover” includes any steam-engine, steam-hammer, fly-wheel, first driving shaft or pulley attached to any such engine, and every appurtenance necessary for the safe and efficient working of a prime-mover: “Prime-mover.”

“owner” includes any agent or hirer using any boiler or prime-mover. “Owner.”

3. (1) The Government may, at any time after the passing of this Act, appoint such persons to be Inspectors as it thinks fit, and suspend or remove any person so appointed. Appointment of Inspectors.

¹ For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 1st November, 1892, p. 4; for Report of the Select Committee, see *ibid* dated 31st March, 1893, p. 1; for Proceedings in Council, see *ibid* dated 24th January, 1893, p. 6; *ibid* dated 11th April, 1893, p. 4; and *ibid* dated 2nd May, p. 17.

The Governor General's assent to this Act was first published in Fort St. George Gazette dated 1st August, 1893.

² The Act was brought into force from 1st February, 1897—see Fort St. George Gazette, 1897, Pt. I, p. 141.

³ Printed, General Acts, Vol. V.

(2) ¹ The persons so appointed shall, within such local area as the Government may direct, exercise the powers and perform the duties conferred and imposed by or under this Act on an Inspector.

Use of boiler without license prohibited.

4. After such day as the Government may, by notification ² in the Fort St. George Gazette, fix in this behalf, no boiler shall be used unless a license authorizing its use has been granted under this Act and is in force :

Proviso in respect of continued use.

Provided that the owner of a boiler who holds in respect thereof a license as aforesaid and who, before the expiry of such license, gives to the Inspector for the local area in which the boiler is situated, in Madras not less than seven days and elsewhere not less than thirty days before such expiry, notice of his intention to continue to use the same afterwards, may continue to use or permit the use of the boiler, as allowed by the said license, until it is examined in pursuance of such notice.

Owner to give notice of intention to use a boiler.

5. (1) The owner of any unlicensed boiler shall, before using the same, give notice of his intention to use such boiler to the Inspector for the local area within which it is situated.

Inspector to appoint a day for the examination of the boiler.

(2) On receipt of the notice the Inspector shall appoint a day and time, after sunrise and before sunset, for the examination of the boiler. The day so appointed shall be a day, if the boiler is situated in the City of Madras, not later than seven days, and if it is situated elsewhere, not later than thirty days, from the day on which the notice is received.

Examination by the Inspector.

(3) On the day and at the time so appointed, the Inspector shall carefully examine the boiler and every part thereof ; and the owner or person in charge thereof shall afford to the Inspector all reasonable facilities for the examination and all such information regarding the boiler as he may reasonably require.

Payment of fees for examination. Inspector may require owner to alter boiler

(4) Every person giving a notice under this section shall simultaneously pay the fees prescribed for the examination by a rule made under section 23.

6. If, on making the examination under section 5, the Inspector is of opinion that the boiler requires, in view to safe working, any alteration or addition, he shall refuse to grant a license until the alteration or addition is made, and shall serve on the owner of the boiler within twenty-four hours of his examination a written notice of his refusal, specifying the alteration or addition which, in his opinion, is required.

When Inspector to grant license.

7. When the Inspector is satisfied that the boiler is in good condition and not so exposed as to be likely to be dangerous, he shall give to the owner

¹ For instance of a notification under this sub-section, see Fort St. George Gazette, 1897, Pt. I, p. 141.

² For notification fixing the 1st August, 1897, as the date, see Fort St. George Gazette, 1897, Pt. I, pp. 141-150.

(Secs. 8-11.)

thereof a written license, signed by him, in the form prescribed in Schedule A hereto annexed or in a form to the like effect.

No such license shall remain in force for more than twelve months.

Period of
license.

8. Every license granted under this Act shall state the period for which it is to continue in force and shall cease to be in force on the expiration of that period. Such license shall also state the pressure beyond which the boiler may not be worked.

License to
state certain
particulars.

9. ¹ On granting a license under section 7, the Inspector shall register the boiler in such form as the Government may prescribe and shall allot to it a number to be called the registry number of the boiler. The registry number shall be communicated to the owner and shall, within such reasonable period as the Inspector may direct, be permanently marked upon the boiler by the owner thereof so as to be plainly visible and in such manner as Government may prescribe.

Boiler to be
registered
and marked
with registry
number.

10. (1) The owner of any boiler who shall have obtained a license therefor shall, at all reasonable times during the period for which such license is in force, be bound to produce the said license when called upon to do so by the Commissioner of Police in the City of Madras or by the District Magistrate elsewhere or by any person generally or specially authorized in writing by such Commissioner or Magistrate to demand its production.

Owner to
produce
license when
called upon.

(2) A person who becomes owner of a boiler during the time for which a license therefor is in force shall be entitled to receive the license from the preceding owner and shall be subject to the provisions of clause (1) of this section.

Transfer of
license on
change of
ownership.

11. ¹ Any person authorized by the Government in this behalf may revoke or suspend any license granted under this Act in respect of any boiler when he has reason to believe—

Revocation
and suspension
of
license.

- (a) that the license has been fraudulently obtained or has been granted erroneously or without sufficient examination; or
- (b) that the boiler in respect of which it has been granted is not in good condition or has, since the granting of the license, sustained injury; or
- (c) that the registry number is not marked upon the boiler as required by this Act.

¹ For notification under this section, see Fort St. George Gazette, 1897, Pt. I, pp. 141-150.

Appeal
against
refusal, etc.,
of license.

12.¹ (1) The owner of any boiler may appeal from any order made under this Act refusing to grant, or revoking or suspending, a license.

Presentation
of appeal.

(2) The appeal shall, within fourteen days from the day on which the owner received the order appealed against, be presented in person or otherwise to the Chief Presidency Magistrate in respect of boilers situated in the City of Madras, and to the Magistrate of the district in respect of boilers situated in any other local area to which this Act may be extended.

Issue of
summonses
in connection
with appeal.

(3) Such Magistrate shall have power to issue summonses for the attendance of witnesses and the production of documents, and the provisions of the Code of Criminal Procedure shall, so far as applicable, apply to such summonses and the persons so summoned. X of 1882.

Method of
hearing
appeal.

(4) Such Magistrate may, if he thinks fit, summon to his assistance, in such manner as the Government may direct, two competent assessors; and such assessors shall attend and assist accordingly.

Procedure
in case of
successful
appeal.

(5) If such Magistrate is satisfied that the owner is entitled to the license, he shall grant a license in such form as the Government may, by rule, prescribe, or shall cancel the order revoking or suspending the license, as the case may be; he shall further direct that the expenses of the appeal incurred by the appellant, to such amount as may seem reasonable to him, shall be reimbursed from the public funds.

Procedure
in case of
unsuccessful
appeal.

(6) If such Magistrate is of opinion that the order appealed against is right, he shall dismiss the appeal; and the costs of the appeal incurred by Government and certified by the Magistrate shall be recoverable from the appellant as if they were arrears of land-revenue.

Inspector may
enter place or
building.

13. An Inspector may, at any time, for the purpose of inspecting a boiler, enter into any place or building where he has reason to believe that the same is being used.

Government
may require
certificates of
competency.

14. The Government may, by notification in the Fort St. George Gazette, direct that, from a date specified and within any defined local area, no boiler shall be used unless it is in the direct and immediate management and charge of a person certified under this Act, as hereinafter provided, to be competent for the charge thereof.

Government
to make rules
for conduct of
examinations
for certificates
and to appoint
examiners.

15. Subject to the provisions of section 17, certificates of competency for such charge shall be granted only after examinations conducted under rules framed by Government under section 23 (2) of this Act.

The examiners shall be appointed by Government: Provided that in no case shall an Inspector appointed under this Act be nominated as an examiner.

¹ For notifications under this section, see Fort St. George Gazette, 1897, Pt. I, pp. 141-150.

(Secs. 16-21.)

16. Certificates of competency may be of different classes and shall qualify the holders thereof to manage or be in charge of boilers of such capacities or kinds as may be prescribed in the rules framed under section 23 (c). Certificates may be of different classes.

17. (1) If any person holds a certificate of competency granted under the provisions of any law in British India or in the United Kingdom or in any British colony, he shall be entitled to receive a certificate of competency as aforesaid, without undergoing examination. Possession of certain other certificates to entitle holder to certificates under this Act.

(2) The certificate granted under this section shall be of such class as the examiners appointed under section 15, on a consideration of the nature of the certificate held, shall determine.

18. (1) The examiners may, in the case of any person who satisfies them that he has served for a period of not less than three years in actual charge and management of a boiler and that he is possessed of adequate practical skill for such work, grant to him a certificate of service to the effect that he is qualified to the like extent as the holder of a certificate of competency of any class which the Board in such certificate of service specifies. Certificates of service may be granted to persons possessing proved practical skill.

(2) A certificate of service so granted shall have the same effect as a certificate of competency granted under this Act.

19. (1) If, on an enquiry conducted under this Act, it shall be established to the satisfaction of Government that the holder of any certificate granted under this Act is incompetent or is addicted to drunkenness or has been guilty of any serious misconduct or negligence, the Government may cancel such certificate or suspend the same for such time as it shall deem fit. Cancellation or suspension of certificate after enquiry.

(2) The holder of such certificate shall surrender it pending the result of the enquiry, and, should he fail to do so, the Government may cancel the certificate by notification in the Fort St. George Gazette. Pending enquiry, holder to surrender certificate.

20. Whenever the holder of a certificate granted under this Act proves to the satisfaction of Government that such certificate has been lost or destroyed, the Government may direct that a duplicate of the same shall be issued; such duplicate shall have the same validity as the original certificate. Duplicates of certificates may be given.

21. Every owner, or person in charge, of any boiler who— Penalties.

(a) uses that boiler in contravention of the provisions of section 4 or in contravention of the terms of the license granted under section 7, or

(b) fails to produce a license when called upon to do so under section 10 of this Act, or

(c) within a local area defined under section 14 allows any boiler to be used when not in the direct and immediate management and charge of a person duly certified as competent under this Act and

every person who prevents an Inspector from entering, under section 13, any place or building, shall be punished with fine which may extend to five hundred rupees.

Charges not to be brought after six months.

22. No charge of an offence under this Act shall be brought against any person after the expiration of six months from the date of the commission of the offence.

Power to make rules after publication.

23. ¹The Government may, at any time after the passing of this Act, after previous publication, make rules consistent with this Act for all or any of the following purposes (that is to say) :—

- (a) for prescribing the powers, duties, mutual relations and official subordination of Inspectors and of officers authorized to revoke and suspend licenses under section 11 ;
- (b) for fixing the fees payable on account of examinations made by Inspectors under this Act, at rates not exceeding those prescribed in Schedule B ;
- (c) for regulating the grant and record of certificates of competency and of service ;
- (d) for the conduct of examinations for such certificates and for regulating the fees to be charged for admission to the same ;
- (e) for providing for enquiry into an allegation of drunkenness, misconduct or negligence on the part of the holder of a certificate of competency or service ;
- (f) generally for carrying out the purposes of this Act.

Act may be applied to prime-movers by notification.

24. (1) The Government may, by notification,—

- (a) apply so much of this Act as relates to the licensing, inspection or management of boilers to prime-movers generally or to prime-movers of any particular class in any local area in which this Act is, at the time, in force ; and
- (b) cancel any such notification.

(2) While any such notification is in force in any local area, in the provisions of the Act thereby made applicable the word “ boiler ” shall be held to include “ prime-mover,” so far as such local area is concerned.

¹ For rules made under this section, see Fort St. George Gazette, 1897, Pt. I, p. 1500.

(Schs. A & B.)

SCHEDULE A.

(See section 7.)

FORM OF LICENSE.

Name of owner.	Registry number and description of boiler and age.	Power.	When and where made.	When and where last repaired.	Time for which this license is to be in force.	Maximum pressure at which the boiler may be worked.	REMARKS.

I, the undersigned, certify that I have examined the boiler above described, and, to the best of my judgment, it is in good condition and is not so exposed as to be likely to be dangerous.

A.B.,
Inspector.

SCHEDULE B.

[See section 23(b).]

MAXIMUM RATES OF FEES LEVIABLE FOR EXAMINATIONS OF BOILERS.

	Rs.
(1) For the examination of each boiler not exceeding 10 horse-power, nominal	15
(2) Ditto ditto exceeding 10 but not exceeding 20 ditto	20
(3) Ditto ditto exceeding 20 but not exceeding 30 ditto	30
(4) Ditto ditto exceeding 30 but not exceeding 50 ditto	40
(5) Ditto ditto exceeding 50 ditto	50

MADRAS ACT No. IV OF 1893.¹

[4th May, 1893 ; 6th July, 1893.]

An Act for the levy of a cess towards the remuneration of village-officers and for other purposes connected with the discharge of their duties.

Preamble.

WHEREAS the remuneration of village-officers in the Revenue and Police Departments in the Madras Presidency is met partly by fees and other contributions payable by landholders, partly by a cess imposed in lieu thereof, and partly by contributions from general revenues ; and whereas it is expedient to make better provision for the levy of such cess, for its imposition in any part of the Presidency, and for the appropriation thereof and of the contributions aforesaid from general revenues to the remuneration of village-officers and to other purposes connected with the discharge of their duties and with the administration of the village-service-fund ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Madras Village-cess Act, 1893.

Local extent and commencement of Act.

2. ² It shall come into force from such date as the Governor in Council shall by notification direct, and from such date it shall extend to all districts and parts of districts in which Madras Act IV of 1864³ (*an Act for the levy of a cess in lieu of village-service fees*) or Madras Act I of 1883⁴ (*an Act to remove doubts as to the extent of Madras Act IV of 1864*) is then in force. The Governor in Council may further extend⁴ this Act to any other district or part of a district in the Presidency of Madras from such date as he may by notification direct.

3. [Repeals.] *Rep. by the Repealing and Amending Act, 1901 (XI of 1901).*

Validation of levy and appropriation of cess under Act IV of 1864.

4. Notwithstanding anything contained in Madras Act IV of 1864, no levy of a cess hitherto imposed in any district or part of a district under the

¹ For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 25th November, 1890, p. 3 ; for Report of the Select Committee, see *ibid* dated 10th January, 1893, p. 1 ; for Proceedings in Council, see *ibid* dated 5th January, 1892, p. 8 ; *ibid* dated 24th January, 1893, p. 2 ; and *ibid* dated 2nd May, 1893, p. 14.

The Governor General's assent to this Act was first published in the Fort St. George Gazette dated 8th August, 1893.

² The Act has been brought into force in all Government taluqs of all the districts in which Mad. Act IV of 1864 is in force—see Fort St. George Gazette, 1893, Pt. 1, p. 1106

³ Repealed by s. 3 of this Act.

⁴ For list of Notifications extending the Act, see Madras List of Local Rules and Orders, Ed. 1898, Vol. II, pp. 795 to 803.

(Secs. 5-7.)

authority of the Governor in Council purporting to be made under the said Act IV of 1864 shall be deemed to have been illegal by reason of the non-existence of a custom in such district or part of a district of payment of fees in money or kind towards the remuneration of village-officers; and no appropriation of the cess levied under the said Act IV of 1864 outside the village or group of villages in which the cess was levied shall be deemed to have been illegal by reason of such appropriation.

5. This Act shall apply to the following six classes of village-officers, by whatever designation¹ they may be locally known, namely :—

Statement of village-officers to whom this Act applies.

- (1) village-munsifs,
- (2) potels, monigars and peddakapus,
- (3) karyams,
- (4) nirgantis,
- (5) vettis, totis and tundalgars,
- (6) taliaris.

In case of doubt as to any village-officer, the Governor in Council shall have power to decide whether such officer comes under any of the above classes, and, if so, under which of them.

6. On this Act coming into force as provided in section 2 in any district or part of a district, all fees, contributions and allowances collected or demandable for the remuneration of village-officers shall absolutely cease and determine.

Village-fees to cease in districts to which Act is applied.

Whoever thereafter in such district or part of a district demands, collects or receives such fees, contributions or allowances shall, on conviction before a Magistrate, be liable to a fine not exceeding one hundred rupees.

Penalty for illegal collection of fees, etc.

7. ¹The Governor in Council may, in any district or part of a district to which this Act may be applied, impose, for the purposes of this Act, a money-cess upon all holders of land on raiyatwári tenure, upon the holders of ináms situated within the limits of a raiyatwári village and upon the holders of inám villages which, for purposes of village-administration, are grouped with raiyatwári villages. The balances of all funds constituted under Madras Act IV of 1864, the proceeds of the cess imposed under this Act, and all contributions from general revenues for the purposes of this Act, shall constitute a fund to be called the "village-service-fund," which may be appropriated, in such manner as may be directed by Government, to the remuneration of village-officers within the area to which this Act is applied, and to any other purposes connected with the discharge of their duties or with the

Governor in Council may impose a money-cess for purposes connected with village-service.

Constitution and appropriation of village-service-fund.

¹ For list of Notifications under this section taken in conjunction with section 2, see Madras List of Local Rules and Orders, E. 1. 1893, Vol. II, pp. 795 to 803.

**Manner of
payment of
the cess.**

administration of such fund. Every landholder shall pay to the Collector, or other officer empowered by him to receive it, the cess imposed on him under this Act, on or before such dates and in such instalments as the Collector, under the general orders of the Board of Revenue, may, by notification, declare :

Provided that holders of inám-lands on whom cess is imposed under this Act shall be entitled to recover from their tenants one-half of the amount payable in respect of lands occupied by such tenants.

**Contribu-
tions from
general
revenues to
form moiety
of total fund.**

8. The total contributions of all kinds from general revenues to the village-service-fund constituted as aforesaid shall be equivalent to the estimated proceeds of the cess imposed under this Act.

**Cess to be
uniform and
to be levied
at rates to be
fixed by
Government.**

9. The rate of cess imposed under this Act shall be uniform throughout the area to which this Act is applied and shall be determined by the Governor in Council so that the estimated proceeds of the cess shall be as nearly as possible equivalent to half the cost of the village-service within the area to which this Act is applied ; but the rate shall not exceed one anna in every rupee of assessment and water-tax.

**Method of
calculating
cess in the
case of cer-
tain ináms.**

In the case of inám-lands held wholly or partially free from assessment, the cess shall be imposed at the rate so determined on the full assessment and full water-tax which such lands would bear if they were not inám ; and such full assessment and water-tax, if not already fixed and known, shall be determined by the Collector of the district subject to the control of the Board of Revenue. Such determination by the Collector shall not be liable to revision by any Court of Civil Judicature.

**Exclusion of
jurisdiction
of Civil
Court.**

(Secs. 1-4.)

MADRAS ACT No. V OF 1893.¹

[8th April, 1893; 25th August 1893.]

An Act for facilitating enquiries into matters connected with the administration of the Revenue and into the conduct of Public Servants.

WHEREAS it is expedient to make further provision to facilitate enquiries into matters connected with the administration of the revenue and into the conduct of public servants; It is hereby enacted as follows:—

1. This Act extends to the whole of the Presidency of Madras.

Preamble.

2. The Government may, by order, invest any officer deputed by it to make an enquiry into any matter connected with the administration of the revenue or into the conduct of any public servant as such with power to summon any person to appear before such officer or to produce any document or thing in the possession or under the control of such person the production of which, in the opinion of such officer, is necessary to the conduct of such enquiry.

Local extent
Officer deputed to make enquiries invested with certain powers.

3. The provisions of sections 2, 3, 4 and 5 of Madras Act III of 1869² shall, *mutatis mutandis*, apply to summonses issued under this Act.

Application of certain portions of Madras Act III of 1869.

4. Any officer making an enquiry under this Act may examine orally any person supposed to be acquainted with the matter under enquiry or any fact relevant thereto, and may reduce into writing any statement made by the person so examined.

Examination of witnesses.

Such person shall be bound to answer truly all questions relating to such matter put to him by such officer, other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

No such statement, when taken in the absence of a public servant whose conduct is under enquiry, shall be used as evidence against such public servant in any judicial proceeding.

Statements of witnesses not to be used as evidence in certain cases.

¹ Short title, "The Madras Revenue Enquiries Act, 1893"—see the Repealing and Amending Act, 1901 (XI of 1901).

For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 12th July, 1892, p. 1; for Report of the Select Committee, see *ibid* dated 14th February, 1893, p. 1; for Proceedings in Council, see *ibid* dated 24th January, 1893, p. 5; *ibid* dated 7th March, 1893, p. 3; *ibid* dated 11th April, 1893, p. 4.

The Governor General's assent to the Act was first published in the Fort St. George Gazette of 10th October, 1893.

² Printed, *supra*, p. 842.

MADRAS ACT No. I of 1894.¹

[24th November, 1893; 4th January, 1894.]

An Act to provide further for the conduct of business by the Board of Revenue.

WHEREAS it is expedient to provide further for the conduct of business by the Board of Revenue; It is hereby enacted as follows:—

1. [*Repeal.*] *Rep. by the Repealing and Amending Act, 1901 (XI of 1901.)*

Board may
distribute
business
subject to
approval of
Government.

2. Notwithstanding anything contained in Regulation I of 1803, in Regulation V of 1804, or in any other enactment in force in the Presidency of Madras, it shall be lawful for the Board of Revenue, subject to the approval of Government, to declare what portion of the business of the Board may be disposed of by a single member or by two members and what portion shall be reserved for the decision of a Collective Board. Every such declaration shall, after approval by Government, be notified in the Fort St. George Gazette:

Proviso.

Provided that, in the case of any subject reserved for disposal by a single member or by two members, the said member or members may refer it, after consideration, for the opinion of another member or for the decision of a Collective Board, as the case may be, and that, where the opinions of two members differ, they shall refer the subject for the decision of a Collective Board.

Orders of
one or more
members to
be orders of
Board.

3. All orders made and decisions passed by one or more members of the Board in accordance with a declaration made under the last preceding section or with its proviso shall be held to be the orders and decisions of the Board of Revenue, and the same shall not be deemed invalid by reason that subsequent thereto the said declaration was disapproved by Government.

A Collective
Board.

4. Not less than three members of the Board shall be held to constitute a Collective Board.

¹Short title, "The Madras Board of Revenue Act, 1894"—see the Repealing and Amending Act, 1901 (XI of 1901).

For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 24th January, 1893, p. 1; for Report of the Select Committee, see *ibid* dated 16th May, 1893, p. 1; for Proceedings in Council, see *ibid* dated 2nd May, 1893, p. 18; and *ibid* dated 21st November, 1893, p. 17.

The Governor General's assent to the Act was first published in the Fort St. George Gazette of 23rd January, 1894.

MADRAS ACT No. II of 1894.¹

[8th February, 1894 ; 29th March, 1894.]

An Act to amend the law relating to village-officers in permanently-settled and certain other Estates.

WHEREAS it is expedient to amend the law relating to village-officers in permanently-settled estates, in unsettled *pālaiyams*, and in *inām* villages, and to make better provision for their appointment and remuneration, and for the prevention and summary punishment of misconduct or neglect of duty on their part, and generally for securing their efficiency ; It is hereby enacted as follows :—

Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be called the Madras Proprietary Estates' Village-service Act, 1894. Short title.

2. The Government may, by notification, extend this Act or any portion thereof to any estate within the Presidency of Madras, and to the office of any of the following classes of village-officers, by whatever designations such village officers may be locally known, in such estates :— Extent.

- (1) village-accountants ;
- (2) heads of villages ;
- (3) village-watchmen or police-officers.

In case of doubt whether a village-officer in any estate falls under any of the above classes, the Government shall have power to decide whether such village-officer comes under any of the above classes and, if so, under which of them.

¹ Introduced as a Bill to amend the law in regard to "Karnams and other Village-officers," etc.

For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 31st January, 1893, p. 8 ; for Report of the Select Committee, see *ibid* dated 11th April, 1893, p. 1 ; for further Report of the Select Committee, see *ibid* dated 8th November, 1893, p. 1 ; for Proceedings in Council, see *ibid* dated 7th March, 1893, p. 3 ; *ibid* dated 11th April, 1893, p. 4 ; *ibid* dated 2nd May, 1893, p. 17 ; *ibid* dated 21st November, 1893, p. 2 and p. 17 ; *ibid* dated 9th January, 1894, p. 7 ; *ibid* dated 23rd January, 1894, p. 3 ; *ibid* dated 30th January, 1894, p. 2 ; *ibid* dated 6th February, 1894, p. 6.

The Governor General's assent to this Act was published in the Fort St. George Gazette of 29th May, 1894.

Repeal.

3. Upon the extension of this Act or of any portion thereof to the office of village-accountant in any estate, section 11 of Madras Regulation XXV of 1802¹ and Madras Regulation XXIX of 1802¹ (*a Regulation for establishing the office of karnam and defining the duties of the said office*) shall cease to be in force in such estate.

Interpretation-clause.

4. In this Act, unless there is something repugnant in the subject or context,—

Estate.

“estate” means—

- (a) any permanently-settled estate, whether a zamíkdári, jághír, mitta or pálaiyam ;
- (b) any portion of such permanently-settled estate which has been separately registered in the office of the Collector ;
- (c) any unsettled pálaiyam [² or jághír] ;
- (d) any inám village of which the grant was made or confirmed by the British Government ;
- (e) any portion, consisting of one or more villages, of any of the estates specified above in clauses (a), (b) and (c), which is held on a permanent under-tenure :

“Proprietor.”

“proprietor” means any person in whose name any estate is for the time being registered in the office of the Collector of the district wherein the estate is situated and, in respect of an estate specified above in clause (e), the holder thereof ;

where an estate is so registered in the names of two or more persons as joint-owners thereof, the proprietor shall, for the purposes of this Act, be the person who is recognized by the other joint-owners as the manager of the estate or who, in case of dispute, is recognized and registered by the Collector as senior joint-owner :

³[Provided that when any person other than the proprietor is in lawful management of an estate or of a portion of an estate, such portion consisting of one or more villages, but is not in such management as agent or servant of the proprietor or as mortgagee or lessee, such person shall be deemed to be the proprietor of the estate or of the portion of the estate, as the case may be:]

“Village.”

“village” means any local area situated in or constituting an estate to which this Act or any portion thereof has been extended and which is now

¹ Short titles respectively “The Madras Permanent Settlement Regulation, 1802,” and “the Madras Karnams Regulation, 1802”—see the First Schedule to the Repealing and Amending Act, 1901 (XI of 1901). These Regulations are printed at pp. 6 and 11, *supra*.

² These words were inserted by Mad. Act III of 1895, s. 2 (3), with effect from 1st October, 1895.

³ This proviso was inserted by s. 1 of Mad Act IV of 1900, *infra*, p. 1031.

(Chapter II.—*Village-establishments ; their Strength, Appointment and Control. Secs. 5-6.*)

recognized as a village or which may hereafter be declared by Government for the purposes of this Act to be a village :

“village-office” means, in respect of any estate, an office in such estate to which this Act or any portion thereof has been extended by notification under section 2 ; and “village-officer” means a person holding or discharging the duties of such office.

“Village-office”
and “Village-officer.”

CHAPTER II.

VILLAGE-ESTABLISHMENTS ; THEIR STRENGTH, APPOINTMENT AND CONTROL.

5. Every proprietor shall, within three months after requisition from the District Collector, prepare a register containing particulars of all the village-officers and village-servants employed in his estate and of their emoluments and duties in a form to be prescribed by the Board of Revenue, and shall submit it to the District Collector :

Register of
village-
officers to be
prepared
and
submitted to
Collector on
requisition.

Provided that the said Collector may at his discretion extend the period for the submission of the said register.

6. (1) Whenever it appears to the District Collector that, as a matter of administrative convenience, it is desirable that any portion of a village should be registered as a separate village, or that two or more villages or portions thereof in any estate should be grouped or amalgamated, he shall, by notice in writing, require the proprietor of the estate in which the village or villages is or are situated and also the village-officers likely to be affected by the proposed change to show cause, within three months after service of such notice, why such portion of a village should not be so registered or such villages or portions thereof be so grouped or amalgamated.

Division and
grouping of
villages.

(2) If the proprietor or the village-officers aforesaid fail to show such cause, the said Collector shall submit the records of the proceedings to the Board of Revenue, and shall then, with the previous sanction of the said Board, declare by notification in the District Gazette such portion of a village or such villages or portions thereof so grouped or amalgamated to be a village for the purposes of this Act, and shall cause such notification to be published in the said village and a copy thereof to be furnished to the proprietor. Before according such sanction the Board of Revenue shall consider any representations which may be made to it within three months of the Collector's submission of the record by the proprietor or by the village-officers aforesaid or by others affected.

(Chapter II.—Village-establishments; their Strength, Appointment and Control. Secs. 7-10.)

(3) The cost, if any, of all proceedings under sub-sections (1) and (2) shall be paid from the proprietary estates' village-service-fund constituted under section 28

Such establishment as Collector requires to be maintained in each village.

7. In every village there shall be maintained so many and such village-officers as the District Collector, subject to the orders of the Board of Revenue, may direct.

Vacancies in village-offices to be reported by proprietor.

8. Every vacancy caused by the death or resignation of a village-officer shall, within thirty days after the occurrence thereof, be reported by the proprietor to the Revenue-officer in charge of the division of the district wherein such village is situated.

Proprietor to appoint new officer but to report fact to Divisional Officer.

9. When a vacancy has occurred in a village-office or the District Collector directs that a village-officer shall be appointed to a newly created village-office, the proprietor of the village shall, within six weeks, appoint a person to such vacant or newly created village-office and send notice of the appointment in writing, in such form as the Board of Revenue may, by rules made under section 32, prescribe, to the Revenue-officer in charge of the division of the district in which the village is situated.

Rules to be observed in making appointments.

10. In making an appointment under section 9 the proprietor shall observe the rules contained in the following sub-sections:—

General qualifications requisite in all cases.

- (1) No person shall be eligible for appointment to any village-office who—
 - (a) is not of the male sex;
 - (b) has not attained the age of majority;
 - (c) is not physically and mentally capable of discharging the duties of the office;
 - (d) has not qualified according to the educational test prescribed for the office in question by the Board of Revenue by rules made under section 32;
 - (e) has been convicted by a Criminal Court of any offence which, in the opinion of the Revenue-officer in charge of the division or of the District Collector, disqualifies him for holding the office.

Primogeniture to be observed in cases of hereditary office.

(2) The succession to all hereditary village-offices shall devolve on a single heir according to the general custom and rule of primogeniture governing succession to impartible zamíndáris in Southern India.

(Chapter II.—Village-establishments; their Strength, Appointment and Control. Secs. 11-12.)

(5) Where the next heir to an hereditary village-office is not qualified under sub-section (1), the proprietor shall appoint the person next in order of succession who is so qualified, and, in the absence of any such person in the line of succession, may appoint any person duly qualified under sub-section (1).

In certain cases person other than direct heir may be appointed.

11. (1) If the Revenue-officer to whom notice of appointment is sent under section 9 considers the person appointed to be disqualified under sub-section (1) of the preceding section, he may, at any time within three months from the date of the receipt by him of the said notice of appointment, and, in cases falling under clauses (c) and (e) in sub-section (1) of section 10, after giving notice to the parties concerned and making enquiry, record his objections and call upon the proprietor to appoint another person, and the proprietor shall thereupon do so and send notice of such new appointment to the said Revenue-officer within six weeks after such requisition :

Divisional Officer may, after, in certain cases, holding enquiry, require proprietor to appoint another person.

Provided that the person first appointed by the proprietor shall discharge the duties of the office and be entitled to the emoluments thereof until his appointment is set aside and another person is appointed in his place.

(2) If the notice of appointment referred to in section 9 or the notice of the new appointment referred to in sub-section (1) is not received within the prescribed time, or if the person newly appointed under sub-section (1) is also considered by the said Revenue-officer, after giving notice and making enquiry as aforesaid, to be disqualified as aforesaid, such officer may make the appointment himself by selecting a person duly qualified under section 10.

In certain cases Divisional Officer may himself make the appointment

(3) Whenever an appointment is disallowed under this section, an appeal shall lie to the District Collector within one month or, if the officer disallowing the appointment is the District Collector, an appeal shall lie to the Board of Revenue within three months.

Appeal allowed.

12. Where an hereditary village-office has become vacant by the dismissal or suspension of the last holder, the authority by whom he was dismissed or suspended may direct that, until the death or return to duty of such last holder, the duties of the office shall be performed by some person duly qualified under sub-section (1) of section 10 who is not an undivided member of the family of the dismissed or suspended officer, to be appointed by the proprietor subject to the approval of the Revenue-officer in charge of the division :

In certain cases appointment of member of family of last holder may be prohibited.

Provided that, when the officer who has been dismissed dies, or if the officer who has been suspended dies while under suspension, the vacancy caused by such death shall be filled up in accordance with the provisions of sub-sections (2) and (3) of section 10.

(Chapter II.—Village-establishments; their Strength, Appointment and Control. Secs. 13-15.)

Procedure to be adopted where heir of last holder is a minor.

13. (1) When the person who would otherwise be entitled to succeed to an hereditary village-office is a minor, the proprietor shall submit his name to the Revenue-officer in charge of the division for registration as the heir of the last holder and shall, at the same time and subject to the approval of the said Revenue officer, appoint some other person qualified under sub-section (1) of section 10 to discharge the duties of the office until the person registered as heir, on attaining majority or within three years thereafter, is qualified under sub-section (1) of section 10 to discharge the duties of the office himself, when he shall be appointed thereto by the proprietor.

If the person registered as heir under this section dies, or if he remains disqualified under sub-section (1) of section 10 for three years after attaining majority, the vacancy shall be filled up in accordance with the provisions of sub-sections (2) and (3) of section 10.

Procedure to be ordinarily adopted in case of resignation, dismissal, removal or suspension of officer.

14. (1) If a vacancy is caused by the resignation, dismissal, removal or suspension of the holder of an hereditary village-office and the authority by whom he was dismissed or suspended does not give the direction referred to in section 12, the vacancy shall be filled up in accordance with the provisions of this Act as if it had been caused by the death of the said holder :

Provided that, upon the expiry of the period of suspension of an officer who has been suspended, or if, for any reason, an officer who has been dismissed, removed or suspended is permitted to resume the office from which he has been dismissed, removed or suspended, the person appointed to fill the vacancy caused by the said suspension, dismissal or removal shall cease to hold office.

(2) The provisions of section 11 shall, *mutatis mutandis*, apply to appointments to be made under this section and sections 12 and 13.

Appointments how to be made in grouped and divided villages.

15. (1) When two or more villages or portions thereof are grouped or amalgamated under this Act to form a single new village, or any village is divided into two or more villages, all the village-offices of the villages or village so grouped, amalgamated or divided shall cease to exist and new offices which shall be hereditary if any of the offices they replace were hereditary shall be created for the new village or villages. In choosing persons to fill such new offices, the proprietor shall select the persons whom he may consider the best qualified from among the [¹ families of the last] holders of the offices which have been abolished and shall report his action to the Revenue-officer in charge of the division.

¹ These words were inserted by Mad. Act III of 1895, s. 2, cl. (3), with effect from 1st October, 1895.

(Chapter II.—Village-establishments ; their Strength, Appointment and Control. Sec. 16.)

(2) If in any village two or more village-offices of any one class exist and the District Collector, acting under section 7, considers that a reduction in the number of such offices is necessary, he shall give notice to that effect to the proprietor, who shall thereupon dispense with the services of the officers no longer required, shall retain those whom he may consider to be best qualified to discharge the duties of the remaining offices and shall report his action to the Revenue-officer in charge of the division.

Who to be retained in case of reduction of establishment.

(3) If the proprietor fails to submit the report referred to in sub-sections (1) and (2) within six weeks of the creation of the new offices or of the issue of the District Collector's notice directing a reduction in the number of village-offices, the powers vested in the proprietor by sub-sections (1) and (2) may be exercised by the Revenue-officer in charge of the division.

Divisional Officer to exercise powers of proprietor in certain cases.

16. (1) A proprietor empowered in this behalf by the Board of Revenue may, after enquiry, fine any village officer, to the extent of three rupees, for misconduct or neglect of duty as such village-officer and shall record his reasons for so doing in writing and furnish a copy of the same to such village-officer and to the Revenue-officer in charge of the division. An appeal shall lie within one month from the date of furnishing such copy against such fine to the said Revenue-officer, whose decision shall be final.

Proprietor if specially empowered may punish village-officers by fine, subject to appeal.

The powers conferred under this sub-section by the Board of Revenue on any proprietor may, at any time, be withdrawn.

(2) The District Collector or Revenue-officer aforesaid may, of his own motion or on complaint and after enquiry, fine, suspend, dismiss or remove any village-officer for misconduct or for neglect of duty or incapacity as such village-officer or for non-residence in the village, and shall record his reasons for so doing in writing and furnish a copy of the same to the proprietor and to the village-officer concerned. Every village-officer convicted of an offence of the kind mentioned in sub-section (1) (e) of section 10 shall be dismissed.

Collector and Divisional Officer may fine, suspend, dismiss or remove village-officers.

(3) Against every order passed by the District Collector or Revenue-officer aforesaid under sub-section (2) an appeal shall lie to the Board of Revenue within three months or to the District Collector within one month, as the case may be.

Appeals against orders passed under sub-section (2).

The decision on appeal of the Board of Revenue or the said Collector, as the case may be, shall be final : Provided that a second appeal shall lie within three months to the Board of Revenue against the order of the District Collector confirming on appeal the order of the Revenue-officer in charge of the division dismissing a village-officer.

(Chapter III.—*The Village-service-cess ; its Amount and Apportionment and the Method and Incidents of its Levy.* Secs. 17-19.)

CHAPTER III.

THE VILLAGE-SERVICE-CESS ; ITS AMOUNT AND-APPORTIONMENT AND THE METHOD AND INCIDENTS OF ITS LEVY.

Government may enfranchise village-service ináms by imposition of quit-rent.

Date from which enfranchisement to take effect. Provisos.

17. If the remuneration of a village-office consists in whole or in part of lands, or assignments of revenue payable in respect of lands, granted or continued in respect of or annexed to such village-office by the State, the Government may enfranchise the said lands from the condition of service by the imposition of quit-rent under the rules for the time being in force in respect of the enfranchisement of village-service-ináms in villages not permanently settled or under such rules as the Government may lay down in this behalf ; such enfranchisement shall take effect on or after the date fixed in the notification issued under section 19 for the levy of a village-service-cess :

Provided that the said enfranchisement shall be applicable to all lands or assignments as aforesaid even though, at the time this Act comes into force, they may not be devoted to the purpose for which they were originally granted ; and provided, further, that any lands or emoluments derived from lands which may have been granted by the proprietor for the remuneration of village-service and which are still so held or enjoyed may be resumed by the grantor or his representative.

Proprietor to collect the quit-rent on enfranchised ináms. Compensation to proprietor for cost of collection. Mode of recovery of arrears.

18. The proprietor shall collect the quit-rent imposed upon lands in his estate under the last preceding section, and pay it to Government in such instalments and at such times as the Board of Revenue, by rules made under section 32, may prescribe. The proprietor shall be entitled to a deduction of 10 per cent. of the amount to be collected by him to cover the cost of such collection, and such quit-rent shall be recoverable, from the proprietor, as if it were an arrear of land-revenue under Madras Act II of 1861,¹ and, by the proprietor from the holder of the enfranchised inám, in accordance with the provisions of Madras Act VIII of 1865,² as if it were an arrear of rent ; such quit-rent shall be a first charge upon the lands in respect of which it is leviable.

The proprietary estates' village-service-cess.

19. It shall be lawful for the Government to direct, from such date as it may notify, in respect of all or any of the estates in any district, the levy of a money cess, to be called the proprietary estates' village-service-cess, at a rate not exceeding ten pies in the rupee on the annual rent-value of all occupied lands comprised within the limits of such estates. The rate shall be a uniform

¹ Printed, *supra*, p. 278.

² Printed, *supra*, p. 299.

(Chapter III.—*The Village-service-cess ; its Amount and Apportionment and the Method and Incidents of its Levy.* Sec. 20.)

one for each district and shall be fixed as nearly as possible so as to raise an amount which, together with the other assets of the proprietary estates' village-service-fund constituted under section 28, will suffice to meet the cost of all village-establishments brought within the scope of this Act and of all charges connected with the discharge of their duties or with the administration of the proprietary estates' village-service-fund and of all proceedings taken under section 6 within such district.

Rate how to be fixed.

20. The annual rent-value aforesaid shall be calculated in the following manner :—

Annual rent-value of lands. How to be calculated for purposes of cess.

In case of lands occupied by tenants.

In case of lands held by proprietor or from him free of rent or at a favourable rent.

- (i) In the case of lands occupied by tenants, the annual rent payable to the proprietor by such tenants, together with any water-rate which may be payable to Government for their irrigation, shall be taken to be the annual rent-value of such lands. Where the lands are occupied by the proprietor himself, or by any person holding the same from him free of rent, or at a rent lower than that ordinarily paid for lands of a similar description and quality in the neighbourhood, the annual rent-value shall be taken to be the rent ordinarily payable for neighbouring lands of similar description and quality, together with any water-rate which may be payable to Government for the irrigation of the lands so occupied by the owner himself or by the person holding the same from him as aforesaid.

- (ii) Where rent is paid in kind, the annual rent-value shall be taken to be the rent paid for neighbouring lands of similar description and quality, together with any water-rate payable to Government for the irrigation of the lands of which the rent is paid in kind.

Where rent is paid in kind.

- (iii) In the case of inám lands held from Government wholly or partially free of assessment and of inám lands enfranchised under section 17, the annual rent-value shall be taken to be the full assessment which such lands would bear if they were not inám, together with any water-rate which may be payable to Government in respect of such lands ; and such full assessment and water-rate shall be determined by the District Collector under the general orders of the Board of Revenue ;

In case of lands held from Government and enfranchised village-service-ináms.

Provided that, where any proprietor has been permitted by the Collector under the provisions of clause iv, section 11, Madras Act VIII of 1865,¹ to

¹ Printed, *supra*, p. 299.

(Chapter III.—The Village-service cess; its Amount and Apportionment and the Method and Incidents of its Levy. Secs. 21-25.)

increase his rent in consequence of any additional payment by way of water-rate made by him to Government, the annual rent-value shall be the balance remaining after deducting such increase of rent up to the amount of water-rate from the sum ascertained as aforesaid.

Proprietor to furnish on requisition a list of occupied lands.

21. Whenever required by the Revenue-officer in charge of the division to do so, the proprietor of every estate shall, within three months after such requisition, furnish that officer with an accurate list of all lands in his estate occupied during the last preceding fasli, specifying therein the annual rent-values of such lands, calculated as prescribed in the last preceding section, exclusive of the water-rate, if any, payable by his tenants to Government.

When list not furnished Divisional Officer may himself fix rent-value of estate.

22. When a proprietor has failed to furnish the list as required by the preceding section, the Revenue-officer in charge of the division may, at any time, himself calculate the annual rent-value of the estate in question exclusive of the water-rate, if any, payable to Government by the tenants of such proprietor, and in that case shall, without delay, notify to the proprietor the amount so calculated and the amount of the cess leviable thereon under section 19, and shall, at the same time, furnish him with the data upon which such calculation has been based.

Divisional Officer to fix cess payable and may amend list.

23. If the Revenue-officer in charge of the division is satisfied with the accuracy of the list furnished by the proprietor under section 21, he shall assess such proprietor according to such list to the cess payable by him in respect of his estate under section 19. If the said Revenue-officer is not satisfied with the accuracy of the said list, he may amend the same, and in that case he shall, without delay, send a copy of the amended list to the proprietor with a notice of the amount of the cess leviable from him as aforesaid, and shall, at the same time, furnish him with the data upon which such amendment has been made.

Appeals against orders under sections 22 and 23.

24. When the Revenue-officer in charge of the division has calculated the rent-value of an estate under section 22 or has amended a list under section 23, the proprietor concerned shall be at liberty to appeal to the District Collector at any time within two months from the date on which the decision was notified to him, or, if the decision is that of the District Collector, to the Board of Revenue at any time within three months from the said date. The decision on appeal of the District Collector or the Board of Revenue, as the case may be, shall be final.

Proprietor to pay total cess due in respect of estate.

25. (1) Every proprietor shall, subject to the following provisos, pay to Government the cess due under this Act in respect of all occupied lands in his estate in such instalments and at such times as the Board of Revenue, by rules made under section 32, may prescribe.

(Chapter III.—*The Village-service-cess; its Amount and Apportionment and the Method and Incidents of its Levy. Sec. 26.*)

Proviso (i).—In the case of all lands occupied by tenants, it shall be lawful for the proprietor to recover from such tenants, in accordance with the provisions of Madras Act VIII of 1865, half the cess payable by him in respect of the lands so occupied, as if it were an arrear of rent.

Proprietor may recover half the cess from his tenants.

Proviso (ii).—In cases in which water-rate is paid to Government by the tenants of a proprietor, such tenants shall pay, together with the water-rate, the cess due on the amount of such water-rate.

Cess on water-rate to be paid by tenants in certain cases.

Proviso (iii).—In the case of an inám not constituting a whole inám village, it shall be lawful,—

firstly, for the proprietor of the estate in which the inám is situated, to recover from the holder of the inám, in accordance with the provisions of Act VIII of 1865,¹ as if it were an arrear of rent, (a) the cess payable by the proprietor in respect of the rent-value of the inám, after deducting from the said rent-value such amount as may be payable to himself annually in respect of such inám, and (b) half the cess payable in respect of the amount so deducted;

Proprietor may recover full cess on minor ináms subject to certain deductions.

and, secondly, for the holder of the inám to recover in like manner from
• his tenants half the cess payable in respect of lands occupied by them.

Minor inámdár may recover half cess from his tenants. Arrears of cess to be a first charge.

(2) Arrears of cess recoverable by the proprietor and the holder of an inám under this section shall form a first charge upon the land concerned.

26. Every proprietor of an estate of the classes (a), (b), (c) and (e) specified in section 4 shall be entitled to a remission of one-half of the cess payable by him on so much of the whole annual rent-value of his estate as is equal to the amount of the permanently-settled revenue payable by him to Government in respect of such estate: Provided that the amount recoverable by such proprietor from the tenants or holders of ináms in his estate under section 25 shall be calculated upon the whole amount which would have been payable by him to Government if no such remission had been allowed.

Remission of one-half of cess on amount of proprietor's permanent assessment. Proviso as to recovery from tenants.

Illustration.

The rent-roll of an estate is	.	.	.	.	Rs. 10,000
The permanent assessment is	.	.	.	.	„ 4,000
The rate of village-service-cess is 5 per cent.					
In this case the proprietor has to pay 5 per cent. on Rs. 10,000	.	.	.	.	=, 500
less 2½ per cent. on	.	.	.	Rs. 4,000	=, 100
Net amount payable					=, 400

¹ Printed *supra*, p. 299.

(Chapter III.—*The Village-service-cess ; its Amount and Apportionment and the Method and Incidents of its Levy. Sec. 27.*)

But the proprietor is entitled to recover from his tenants $2\frac{1}{2}$ per cent. on Rs. 10,000, *i.e.*, Rs. 250 ; so that, while the proprietor pays Rs. 150, his tenants pay Rs. 250.

Payments in excess of permanent assessment lawful in certain cases.

27. On or after the date notified under section 19—

(1) if in any estate the cost of village-establishments was provided for by a reduction of the permanent assessment on the condition that the amount of such reduction should be devoted to paying the village-establishments, it shall be lawful for the Government to require the proprietor to pay, along with the present permanent assessment, such sum, not exceeding the amount of such reduction, as represents the annual remuneration at the time of such reduction of the classes of village-officers brought within the scope of this Act ;

(2) where the said cost of village-establishments was provided for by a deduction from the assets of an estate before its permanent assessment was fixed, it shall be lawful for the Government to require the proprietor to pay, along with the present permanent assessment, a sum equal to that by which it would have been increased had no such deduction been made on account of the remuneration of the classes of village-officers brought within the scope of this Act ;

in either of the cases referred to in sub-sections (1) and (2), the proprietor shall no longer be liable for the payment of such classes of village-officers ; and the payments made along with the permanent assessment shall be credited to the proprietary estates' village-service-fund ;

Permanent assessment shall be reduced in certain cases.

(3) where the cost of maintaining any office to which this Act has been extended under section 2 and which is in existence in an estate at the date upon which this Act is extended thereto was included in the assets upon which the permanent assessment of the estate was fixed, the said permanent assessment shall be reduced to the amount at which it would have been fixed had no such inclusion in the assets taken place ;

Rent may be raised or reduced in certain cases.

(4) if, in any case, the rent payable to a proprietor in respect of any land has been fixed under an agreement, subsisting on the date of this Act coming into force, to the effect that any portion of the remuneration of the village-officers shall be borne by the tenant or the proprietor, as the case may be, it shall be

(Chapter IV.—*The Village-service-fund ; its Constitution and the Payment of Salaries therefrom. Secs. 28-30.*)

lawful for the proprietor or tenant to apply to the Collector for sanction to increase the said rent or to demand its reduction ; and the Collector shall, upon receipt of such application and upon satisfactory proof of the justice of the claim, grant such sanction and increase or reduce the rent to the amount at which it would have been fixed had no such agreement been entered into.

CHAPTER IV.

THE VILLAGE-SERVICE-FUND ; ITS CONSTITUTION AND THE PAYMENT OF SALARIES THEREFROM.

28. On or after the date notified under section 19, there shall be constituted in each district a fund to be called the proprietary estates' village-service-fund. The said fund shall consist of the proceeds—

Proprietary estates' village-service-fund.

- (i) of the quit-rents imposed on ináms enfranchised under section 17, exclusive of jodi, if any, payable to Government ;
- (ii) of the cess levied under section 19 ;
- (iii) of the payments made along with the permanent assessment under the last preceding section ;
- (iv) of all penalties and fines imposed under this Act ;
- (v) of all contributions, if any, made from general revenues for the purposes of this Act ;

and it shall be lodged in the District Treasury and shall be under the control of the District Collector subject to rules made by the Board of Revenue under section 32.

29. On or after the date notified in any estate under section 19, the village-officers shall be paid from the aforesaid fund of the district in which the estate is situated the salaries and other allowances to which they may be entitled according to such scale and in such manner as may be prescribed by the Board of Revenue by rules made under section 32.

Salaries and allowances of village-officers to be paid from fund after date to be notified.

30. On or after the date notified in any estate under section 19, all fees, contributions and allowances collected or demandable in such estate for the remuneration of village-officers shall absolutely cease and determine.

No fee, etc., to be collected or demanded in respect of village-officers, after date to be notified.

Whoever, thereafter, in such estate demands, collects or receives such fees, contributions or allowances shall, on conviction before a Magistrate, be liable to a fine not exceeding fifty rupees.

Penalty for demanding fees, etc.

CHAPTER V.

GENERAL.

Penalties.

31. (1) Every proprietor who wilfully omits—

- (a) to furnish a register as required by section 5,
- (b) to submit the name of a minor heir as required by section 13,
- (c) to furnish the Collector with the list required by section 21,

shall be liable to the imposition by the District Collector of a penalty not exceeding one hundred rupees for every such omission : Provided that a proprietor wilfully omitting to furnish the register required by section 5 shall be liable to a further penalty not exceeding twenty-five rupees for each day during which the omission continues after the imposition of the first penalty. A penalty imposed under this section shall be recoverable in the manner provided in Madras Act II of 1861¹ for the recovery of arrears of land-revenue.

(2) An appeal shall lie within three months against every penalty imposed under this section to the Board of Revenue.

Power to
make rules.

32. The Board of Revenue may, with the approval of Government and after previous publication, make rules² not inconsistent with this Act in regard to the following matters :—

- (i) the division, grouping and amalgamation of villages ;
- (ii) the educational qualifications required of village-officers ;
- (iii) the form of register to be prepared under section 5 and the form of notice of appointment to be sent under section 9 ;
- (iv) the salaries and other allowances to be assigned to village-officers, and the method of their payment ;
- (v) the duties of the several village-officers and the descriptions and forms of the accounts and registers to be kept by them ;
- (vi) the procedure to be followed in conducting enquiries under section 16 ;
- (vii) the custody, production and transfer of the accounts and other records kept by village-officers ;
- (viii) the management and audit of the fund constituted under this Act, and the accounts to be maintained in connection therewith ;
- (ix) the dates for payment by instalments of quit-rent and cess, and the amounts of such instalments ;
- (x) any other matters calculated to enhance the efficiency of the village-service.

¹ Printed, *supra*, p. 278.

² For such rules see Fort St. George Gazette, 1897, Pt. II, p. 1231; *ibid*, 1902, Pt. II p. 261.

1895: Mad. Act II.] *Canals and Ferries. (Sec. 1.)*

33. No Civil Court shall have authority to take into consideration or decide any claim to the enjoyment of any portion of the fund constituted under this Act, or any question regarding the amount of the annual rent-value of any estate or the rates or amounts of the quit-rents, cess or payments under section 27, imposed or levied under this Act : Provided that nothing in this Act shall debar a proprietor from recovering by suit any sums recoverable by him from inámdárs or tenants under sections 18 and 25 or the holder of an inám from recovering in like manner any sums recoverable by him from tenants under section 25.

Jurisdiction of Civil Courts ousted in certain cases.

Proviso.

34. If the officer to whom an appeal is presented under this Act in the capacity of District Collector happens to be the officer who passed the decision which is appealed against in the capacity of Revenue-officer in charge of a division, he shall report the fact to the Board of Revenue, and the appeal shall be disposed of by the said Board, whose decision shall be final.

In certain cases Board of Revenue to dispose of appeals made to District Collectors.

MADRAS ACT No. II of 1895.¹

[21st March, 1895 ; 14th May, 1895.]

An Act to amend Madras Act II of 1890.

WHEREAS it is expedient to provide for the licensing of vessels carrying goods, animals or passengers otherwise than for hire on canals to which the Madras Canals and Public Ferries Act, 1890, applies ; It is hereby enacted as follows :—

Preamble.

1. For section 5 of the Madras Canals and Public Ferries Act, 1890, the following section shall be substituted :—

[*Vide supra*, p. 908.]

Substitution of new section for section 5. Vessels to be registered or licensed as directed by Government.

¹ Short title, "The Madras Canals and Public Ferries (Amendment) Act, 1895"—*see* the Repealing and Amending Act, 1901 (XI of 1901).

For Statement of Objects and Reasons, *see* Fort St. George Gazette, Supplement dated 18th September, 1894, p. 1 ; for Proceedings in Council, *see* *ibid* dated 5th February, and 2nd April, 1895, p. 16.

MADRAS ACT No. III of 1895.¹

[8th April, 1895; 1st July, 1895.]

An Act to repeal Madras Regulation VI of 1831, and for other purposes.

Preamble.

WHEREAS it is expedient to provide more precisely for the succession to certain hereditary village-offices in the Presidency of Madras; for the hearing and disposal of claims² to such offices or the emoluments annexed thereto; for the appointment of persons to hold such offices and the control of the holders thereof; and for certain other purposes; It is hereby enacted as follows:—

Title and extent.

1. (1) This Act may be called the Madras Hereditary Village-offices Act, 1895; and it shall come into force from such date as may be notified by Government.³

(2) Section 5 applies to the whole of the Presidency of Madras; the rest of the Act applies to the whole of the said Presidency except the scheduled districts as defined in the Scheduled Districts Act, 1874.⁴

Repeal.

2. (1) * * * * *
on and after the commencement of this Act, no portion of Madras Regulation XXIX of 1802⁵ shall continue to apply to any local area which is not a permanently-settled proprietary estate.

Amendment of Act XXIV of 1859.

(2) From the preamble of Act XXIV of 1859⁷ (*an Act for the better regulation of the Police within the territories subject to the Presidency of Fort St. George*), the words “and improve the condition of the village-police”

¹ For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 7th November, 1893, p. 2; for Report of the Select Committee, see *ibid* dated 12th November, 1893, p. 1; for further Report of the Select Committee, see *ibid* dated 5th February, 1895, p. 1; for Proceedings in Council, see *ibid* dated 21st November, 1893, p. 21; *ibid* dated 4th December, 1894, p. 8; *ibid* dated 5th February, 1895, p. 18; *ibid* dated 2nd April, 1895, p. 9; *ibid* dated 30th April, 1895, p. 1; *ibid* dated 28th May, 1895, p. 1.

It has been extended, under s. 5 of the Scheduled Districts Act, 1874 (XIV of 1874), to all the Scheduled Districts in the Godavari District with the exception of the Ducharti and Guditeru Muttas—see Gazette of India, 1896, Pt. I, p. 249.

² For fees payable on certain documents filed in claims preferred under this Act see Notification No. 3449 S. R., dated 6th August, 1897, Gazette of India, 1897, Pt. I, p. 606. The fees chargeable on judgments, orders or decisions on such claims and on applications filed in the course of suits or in the course of the execution of decrees in such suits have been remitted by the same notification.

³ This Act came into force on 1st October, 1895—see Fort St. George Gazette, 1895, Pt. I, p. 1002. The Governor General's assent was first published in the Fort St. George Gazette of 6th August, 1895.

⁴ Printed, General Acts, Vol. II.

⁵ The words and figures “Madras Regulations II of 1806 and VI of 1831 are hereby repealed and” were repealed by the Repealing and Amending Act, 1901 (XI of 1901)—see the Third Schedule, Part III.

⁶ Printed, *supra*, p. 11.

⁷ Printed, *supra*, p. 181.

(Secs. 3-4.)

shall be omitted; and, for the definition of the word "police" in section 1 of the same Act, shall be substituted the following clause, namely:—

"The word 'police' shall include all persons appointed under this Act."

(3) In clause (c) of the definition of the word "estate" in section 4 of the Madras Proprietary Estates' Village-service Act, 1894,¹ after the word "pālaiyam" shall be inserted the words "or jāghīr"; and, in sub-section (1) of section 15 of the same Act, between the words "among the" and the words "holders of the offices," shall be inserted the words "families of the last".

Amendment of Madras Act II of 1894.

3. This Act shall apply to the following classes of village-offices, provided that emoluments have been attached thereto:—

Classes of village-offices to which Act applies.

Mad. IV of 1893.

(1) hereditary village-offices in local areas to which the Madras Village Cess Act, 1893,² has been, or may be, extended;

(2) hereditary village-offices to which the Madras Proprietary Estates' Village-service Act, 1894,¹ is extended;

(3) other hereditary village-offices in proprietary estates except (i) the offices forming class (4) below; and (ii), in proprietary estates wherein Madras Regulation XXIX of 1802³ remains in force, the office of village-accountant;

(4) the hereditary offices of village-artizans and village-servants such as the following, namely:—

- (i) the village-carpenter,
- (ii) the village-blacksmith,
- (iii) the village-barber,
- (iv) the village-washerman,
- (v) the village-potter,
- (vi) the village-astrologer,
- (vii) the village-purohit or priest.

4. In this Act, unless there is something repugnant in the subject or context,—

"emoluments" means and includes—

Definitions.

- (i) lands;
- (ii) assignments of revenue payable in respect of lands;
- (iii) fees in money or agricultural produce;
- (iv) money-salaries and all other kinds of remuneration;

granted or continued in respect of, or annexed to, any office by the State:

¹ Printed, *supra*, p. 941.

² Printed, *supra*, p. 936.

³ Printed, *supra*, p. 11.

“proprietary estate” and “proprietor” mean, respectively, an estate and proprietor as defined in the Madras Proprietary Estates’ Village-service Act, 1894,¹ as amended by this Act:

Mad. II
of 1894.

“village” means any local area now recognized as a village or hereafter declared by Government to be a village.

Emoluments attached by the State to certain offices inalienable and not liable to attachment.

5. The emoluments of village-offices, whether such offices be or be not hereditary, and in the scheduled districts as defined in the Scheduled Districts Act, 1874,² all such emoluments and other emoluments granted or continued in remuneration for the performance of duties connected with the collection of the revenue or the maintenance of order, shall not be liable to be transferred or encumbered in any manner whatsoever, and it shall not be lawful for any Court to attach or sell such emoluments or any portion thereof.

Villages to be grouped or divided.

6. (1) In any local area in which the Madras Village-cess Act, 1893¹, is in force the Board of Revenue may, subject to rules made in this behalf under section 20, group or amalgamate any two or more villages or portions thereof so as to form a single new village or divide any village into two or more villages, and thereupon all hereditary village-offices to which the said Act applies in the villages, portions of villages or village grouped, amalgamated or divided as aforesaid, shall cease to exist, and new offices, which shall also be hereditary, shall be created for the new village or villages. In choosing persons to fill such new offices, the Collector shall select the persons whom he may consider the best qualified from among the families of the last holders of the offices which have been abolished.

Mad. IV
of 1893.

Effect of grouping and division upon village-offices.

Reduction of village-offices.

(2) If two or more village-offices exist in any village in which the Madras Village-cess Act 1893,¹ is in force, the Board of Revenue may, subject to the approval of Government, direct that the number of such village-offices shall be reduced, and thereupon the Collector shall dispense with the services of the officers no longer required and shall retain those whom he may consider to be best qualified to discharge the duties of the remaining offices.

Power of Collector over village-officers in Government villages and proprietary estates.

7. (1) The Collector may, of his own motion or on complaint and after enquiry, fine, suspend, dismiss or remove the holder of any of the offices forming class (1) in section 3, and suspend, dismiss or remove the holder of any of the offices forming class (3) in the said section, for misconduct or for neglect of duty or incapacity or for non-residence in the village or for any other sufficient cause, and shall make a record of his reasons for so doing in writing and furnish a copy of the same to the village-officer concerned:

¹ Printed, *supra*, pp. 941 and 936.

² Printed, General Acts, Vol. II.

Mad. I of
1889.

Provided that, when a village-munsif who is also the head of the village is suspended or removed under the Madras Village-Courts Act, 1889¹, such suspension or removal shall involve his suspension or removal from the office of head of the village. Proviso.

(2) A Tahsildár or Deputy Tahsildár may, of his own motion or on complaint and after enquiry, fine the holder of any of the offices forming class (1) in section 3 for any of the causes specified in sub-section (1) and in such amount as the Board of Revenue may, by general or special order, prescribe. The provisions of sub-section (1) in regard to the recording of reasons and the furnishing of copies shall apply to proceedings taken under this sub-section. Power of Tahsildár and Deputy Tahsildár over village-officers in Government villages.

8. A proprietor may, of his own motion or on complaint and after enquiry, suspend, dismiss or remove the holder of any of the offices in his estate forming class (3) in section 3, except the village-accountant, the head of the village and the village watchman or police-officer, for misconduct or for neglect of duty or incapacity or for non-residence in the village or for any other sufficient cause, and shall make a record of his reasons for so doing in writing and furnish a copy of the same to the village-officer concerned. Power of proprietor over village-officers in proprietary villages.

9. The powers conferred on a Collector by sub-section (1) of section 7 over the holders of the village offices forming class (3) in section 3, except the offices of village-accountant, head of the village and village-watchman or police-officer, shall not be exercised, unless, for reasons to be recorded in writing, the Collector is satisfied that the proprietor concerned has neglected to exercise in an adequate manner the powers conferred on him by section 8. Limitation of power of Collector over certain officers in proprietary estates.

10. When a vacancy occurs in any of the village-offices forming class (1) in section 3, the Collector shall fill up the vacancy in accordance with the provisions of the following sub-sections:— Rules to be observed in making appointments to certain offices in Government villages.

(1) No person shall be eligible for appointment who—

(a) is not of the male sex ;

(b) has not attained the age of majority ;

(c) is not physically and mentally capable of discharging the duties of the office ;

General qualifications requisite in all cases.

(Sec. 10.)

- (d) has not qualified according to the educational test prescribed for the office in question by the Board of Revenue by rules made under section 20 ;
- (e) has been convicted by a Criminal Court of any offence which, in the opinion of the Collector, disqualifies him for holding the office.

Primogeni-
ture to be
observed.

- (2) The succession shall devolve on a single heir according to the general custom and rule of primogeniture governing succession to impartible zamindaris in Southern India.

In certain
cases person
other than
direct heir
may be ap-
pointed.

- (3) Where the next heir is not qualified under sub-section (1), the Collector shall appoint the person next in order of succession who is so qualified, and, in the absence of any such person in the line of succession, may appoint any person duly qualified under sub-section (1).

Temporary
disqualifica-
tion of heir in
certain cases.

- (4) Where an office has become vacant by the dismissal or suspension of the last holder, the Collector may direct that, until the death or return to duty of such last holder, the duties of the office shall be performed by some person duly qualified under sub-section (1) who is not an undivided member of the family of the dismissed or suspended officer: Provided that, when the officer who has been dismissed dies, or if the officer who has been suspended dies while under suspension, the vacancy caused by such death shall be filled up in accordance with the provisions of sub-sections (2) and (3).

Procedure to
be adopted
where heir is
a minor.

- (5) When the person who would otherwise be entitled to succeed to an office is a minor, the Collector shall register the minor as the heir of the last holder and appoint some other person qualified under sub-section (1) to discharge the duties of the office until the person registered as heir, on attaining majority or within three years thereafter, is qualified under sub-section (1) to discharge the duties of the office himself, when he shall be appointed thereto. If the person registered as heir under this sub-section dies, or if he remains disqualified under sub-section (1) for three years after attaining majority, the Collector shall fill up the vacancy as provided in sub-sections (2) and (3).

Method of
filling up va-
cancy caused

- (6) If a vacancy is caused by the resignation, dismissal, removal or suspension of the holder of an office and the Collector does not give the direction referred to in sub-section (4), he shall fill up the

(Secs. 11-12.)

vacancy in accordance with the provisions of this section as if it had been caused by the death of the said holder : Provided that upon the expiry of the period of suspension of an officer who has been suspended, or if, for any reason, an officer who has been dismissed, removed or suspended is permitted to resume the office from which he has been dismissed, removed or suspended, the person appointed to fill the vacancy caused by the said suspension, dismissal or removal shall cease to hold office.

by resignation, dismissal, removal or suspension.

11. When a vacancy occurs in a proprietary estate in any of the offices forming class (3) in section 3, the proprietor shall fill up the vacancy in accordance with the provisions of the following sub-sections :—

Rules to be observed in making appointments to certain offices in proprietary estates.

General qualifications requisite in all cases.

(1) No person shall be eligible for appointment who —

- (a) is not of the male sex ;
- (b) has not attained the age of majority ;
- (c) is not physically and mentally capable of discharging the duties of the office.

(2) The succession shall devolve in accordance with the law or custom applicable to the office in question at the date on which this Act comes into force.

Law or custom of succession to be observed.

(3) Where the next heir is not qualified under sub-section (1), the proprietor shall appoint the person next in order of succession who is so qualified, and, in the absence of any such person in the line of succession, may appoint any person duly qualified under sub-section (1).

In certain cases person other than direct heir may be appointed.

(4) When the person who would otherwise be entitled to succeed to an office is a minor, the proprietor shall register the minor as the heir of the last holder and appoint some other person qualified under sub-section (1) to perform the duties of the office until the person registered as heir is qualified under sub-section (1) to discharge the duties of the office himself, when he shall be appointed thereto. If the person registered as heir under this sub-section dies, or if, on attaining majority, he proves to be disqualified under clause (c) of sub-section (1), the proprietor shall fill up the vacancy as provided in sub-sections (2) and (3).

Procedure to be adopted where heir is a minor.

12. The succession to village-offices forming class (4) in section 3 shall devolve in accordance with the law or custom applicable thereto at the date on which this Act comes into force.

In case of village-artizans, law or custom of succession to be observed.

Provisions relating to suits for offices, for recovery of emoluments and for registry as heir.

13. (1) Any person may sue before the Collector for any of the village-offices specified in section 3 or for recovery of the emoluments of any such office, on the ground that he is entitled under sub-section (2) or (3) of section 10 of the Madras Proprietary Estates' Village Service Act, 1894,¹ or under sub-section (2) or (3) of section 10 or sub-section (2) or (3) of section 11 or section 12 of this Act, as the case may be, to hold such office and enjoy such emoluments; or being a minor, may sue before the Collector to be registered as heir of the last holder of any such office: Mad. II of 1894.

Provisos:—

No suit for declaratory decree. Procedure in case of dispute as to nature of emoluments.

(i) no suit shall be entertained for a mere declaratory decree;

(ii) when one of the facts in issue in a suit is whether the emoluments of the office consist of land or of an assignment of revenue payable in respect of land, the Collector shall decide the claim on the assumption that only the said assignment constitutes the emoluments; but such decision shall not bar the right of the claimant to institute a suit in a Civil Court for recovery of the land itself.

Rejection of plaint when claimant is ineligible for appointment.

(2) If, at any time before the completion of the trial of a suit preferred under this section for any office or for the recovery of the emoluments of any office, it appears to the Collector that the claimant is not eligible for appointment under sub-section (1) of section 10 of the Madras Proprietary Estates' Village-service Act, 1894,¹ or under sub-section (1) of section 10 or sub-section (1) of section 11 of this Act, as the case may be, he shall pass an order rejecting the plaint.

Limitation of time within which suits may be brought.

14. (1) No suit preferred before a Collector under the last preceding section shall be entertained which is not preferred within three years from the date of the cause of action arising, whether such date be before or after the commencement of this Act:

Limitation in case of minority.

Provided that, in the case of a person who, by reason of minority, was disqualified for holding office, the right to sue for such office or for the recovery of the emoluments thereof shall accrue from the date of his attaining majority.

Limitation of time within which execution of decree or order may be applied for.

(2) No application for the execution of a decree or order passed under this Act shall be entertained, if made after the expiration of one year from the date of such decree or order.

¹ Printed, *supra*, p. 941.

(Secs. 15-18.)

(3) Decrees or orders passed under Madras Regulation VI of 1831¹ may be executed under the provisions of this Act: Provided that no application for the execution of such decree or order shall be entertained, if made either after the expiration of three years from the date of such decree or order or after the expiration of one year from the commencement of this Act.

Execution of decrees and orders passed under Regulation VI of 1831.

(4) In cases in which the decree or order sought to be executed was appealed against, the periods of limitation prescribed in sub-sections (2) and (3) shall commence from the termination of the appeal.

Limitation when appeal preferred.

15. The District Collector may transfer to his own file any suit on the file of any Revenue-officer in charge of a division of the district or from the file of one such officer to that of another or to the file of an Assistant or Deputy Collector not in charge of a division, for disposal.

Power of District Collector in regard to transfers of suits.

16. (1) The trial of suits under this Act shall be regulated by rules made by the Board of Revenue under section 20 and by the following provisions:—

Procedure to be observed in trying suits.

(i) a date shall be fixed for the hearing of the suit and the same shall be notified to the parties, who shall be entitled to be heard in person or by agent;

Date of hearing to be fixed and parties to be heard.

(ii) the parties shall be entitled to produce witnesses and to demand that any person whose evidence they require shall be summoned as a witness or that any person shall be summoned to produce a document, and the officer trying the suit shall comply with such demand, unless, for reasons to be recorded, he considers it unnecessary to do so;

Witnesses may be produced or summoned.

(iii) the officer trying the suit shall record, in his own hand and in English, a memorandum containing the material averments of the parties, the material portions of the evidence, his decision and the reasons therefor.

Record of proceedings.

(2) Every person to whom a summons is issued under this section shall be legally bound to obey the same.

Obligation to obey summons.

17. Decrees and orders passed in suits under this Act may provide for payment of costs according to such scale and subject to such rules as may be prescribed by the Board of Revenue under section 20 and shall be executed in accordance with rules to be made by the Board of Revenue under the said section.

Decrees may provide for costs and shall be executed according to rules made by Board of Revenue.

18. (1) If, before or during the hearing of a suit under this Act or of an appeal against a decree or order passed in a suit under this Act, or if, in the execution of any such decree, any question of law or usage having the force

In certain cases, Collector may refer question of

¹ Printed, *supra*, p. 97.

law to Board
of Revenue.

of law, or of the construction of a document which construction may affect the merits, arises, and the officer trying the suit or appeal or executing the decree entertains reasonable doubt on such question, he may, either of his own motion or on the application of any of the parties, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer such statement for the decision of the Board of Revenue, and shall stay further proceedings until the said decision is communicated to him.

Procedure to
be followed
in case of
such refer-
ence.
Decision of
Board of
Revenue
not to be
contested.
Disposal of
suits and
appeals pend-
ing at
commence-
ment of this
Act.

(2) The Board of Revenue shall, if any of the parties so request, hear him or his agent, and shall decide the point referred, and transmit a copy of its judgment to the officer by whom the reference was made, and the said officer shall, on receipt thereof, proceed to dispose of the case in conformity with the decision of the said Board, and the correctness of the decision of the said Board shall not be contested in any appeal made under this Act.

19. All suits brought and appeals made under Madras Regulation VI of 1831¹ shall, after the commencement of this Act, be heard and disposed of as if they had been preferred under this Act.

Board of
Revenue may
make rules
on certain
subjects.

20. The Board of Revenue may, with the approval of Government and after previous publication, make rules not inconsistent with this Act or with the Madras Proprietary Estates' Village-service Act, 1894,² in regard to the following matters:—

Mad. II of
1894.

- (i) the division, grouping and amalgamation of villages;
- (ii) the holding of enquiries under sections 6, 7 and 8 and the hearing of appeals under section 23;
- (iii) the educational qualifications required of the holders of the village-offices forming class (1) in section 3;
- (iv) the procedure to be followed in disposing of suits and appeals from decrees or orders passed in suits and the registers to be maintained in connection therewith;
- (v) the execution of decrees and orders passed in suits and the taxation of costs;
- (vi) the salaries and other allowances to be assigned to the holders of the village-offices forming class (1) in section 3 and the method of their payment;
- (vii) the duties of the holders of the village-offices forming classes

¹ Printed, *supra*. p. 97.

² Printed, *supra*, p. 941.

(Secs. 21-23.)

- (1) and (3) in section 3, and the descriptions and forms of the accounts and registers to be kept by them ;
- (viii) the custody, production and transfer of the accounts and other records kept by the holders of the village-offices forming classes (1) and (3) in section 3 ;
- (ix) the publication of administration reports under the Madras Village-cess Act, 1893,¹ the Madras Proprietary Estates' Village-service Act, 1894,¹ and this Act ;
- (x) any other matters calculated to enhance the efficiency of the village-service.

Mad. IV of
1893.
Mad. II of
1894.

21. No Civil Court shall have authority to take into consideration or decide any claim to succeed to any of the offices specified in section 3 or any question as to the rate or amount of the emoluments of any such office or, except as provided in proviso (ii) to sub-section (1) of section 13, any claim to recover the emoluments of any such office :

Jurisdiction
of Civil
Courts
barred.

Provided that, if, in any suit instituted under this Act, the defendant has pleaded before the Collector that a Revenue Court has no jurisdiction to entertain the suit, on the ground that no emoluments, as defined in this Act, appertain to the office in respect of which the suit is brought, and if, on appeal preferred from the decree in such suit, the appellate authority has decided adversely to such plea, the defendant may, within six months from the date of the appellate decree, institute a suit in a Civil Court to set aside such appellate decree on the said ground and on that ground only.

Proviso
empowering
Civil Courts
to set aside
the decisions
of Revenue
Courts on the
question of
jurisdiction.

22. Nothing herein contained shall affect the provisions of section 52 of Madras Act II of 1864¹ or the provisions of Madras Act IV of 1866¹ or, except as provided in sub-section (1) of section 6, shall be deemed to create or confer an hereditary right to any village-office.

Nothing in
this Act to
prevent
recovery of
emoluments
as arrears of
revenue or to
affect office
which is not
now here-
ditary.

23. (1) From every order passed by a Collector under section 6 or 7, and from every decree or order passed by a Collector in a suit preferred under section 13, an appeal shall lie, within one month, to the District Collector, or, if the said order or decree was passed by the District Collector, an appeal shall lie, within three months, to the Board of Revenue. The decision, on appeal, of the District Collector or the Board of Revenue, as the case may be, shall be final :

Appeal
against order
or decree of
Collector.

¹ Printed, *supra*, pp. 281, 326, 936 and 941, respectively.

Second appeal
in certain
cases.

Provided that, in respect of the offices of head of the village and village-accountant, a second appeal shall lie, within three months, to the Board of Revenue, against the decision on appeal of the District Collector in suits preferred under section 13 and in cases of dismissal of a village-officer under section 7.

Appeal
against order
of Tahsildár,
Deputy
Tahsildár or
proprietor.

(2) From every order passed by a Tahsildár or Deputy Tahsildár under sub-section (2) of section 7, and from every order passed by a proprietor under section 8, an appeal shall lie, within one month, to the Collector, whose decision shall be final.

Appeals from
decrees or
orders passed
under Madras
Regulation
VI of 1831
not to lie, in
certain cases,
after the com-
mence-
ment of
Madras Act
III of 1895.
Disposal of
appeal by
officer who
passed
original
order.

23-A. Notwithstanding anything contained in any Regulation or Act to the contrary, no appeal shall lie after the commencement of this Act from any decree or order passed in any suit brought or appeal made under Madras Regulation VI of 1831 unless such appeal would lie under section 23 had the decree or order sought to be appealed against been passed in a suit, appeal or proceeding commenced under this Act.

24. If the officer to whom an appeal is presented under this Act in the capacity of District Collector or Collector happens to be the officer who passed the decision which is appealed against in another capacity, he shall report the fact to the Board of Revenue or to the District Collector, as the case may be, and the appeal shall be disposed of by the said Board or District Collector, and the order passed on appeal shall be final.

Certain pro-
visions of
Limitation
Act to apply.

25. The provisions of sections 5 and 12 of the Indian Limitation Act, 1877,² so far as they relate to suits, appeals and applications, shall, *mutatis mutandis*, apply to suits, appeals or applications for the execution of decrees or orders instituted, preferred or made under this Act. XV of 1877

Power of
Government
to place
village-
watchman
under police-
authorities.

26. The Government may declare that the powers of punishing village-officers which are vested in the Collector by this Act and by the Madras Proprietary Estates' Village-service Act, 1894,³ shall be exercised in any specified local area by the District Superintendent or Assistant Superintendent of Police in respect of all, or any of, the village-watchmen or police-officers in that local area. From every order fining, suspending, dismissing or removing a village-watchman or police-officer passed by a District Superintendent or Assistant Superintendent of Police by virtue of a declaration made under this section, an appeal shall lie, within one month, to the District Magistrate, whose decision shall be final.

Mad. II of
1894.

¹ Section 23-A. was inserted by the Madras Hereditary village officers (Amendment) Act, 1897 (Madras II of 1897).

² Printed, General Acts, Vol. III.

Printed, *supra*, p. 941.

MADRAS ACT No. I OF 1896.¹

[12th November, 1895; 2nd January, 1896.]

An Act to limit the local extent of the Madras Rent Recovery Act, VIII of 1865.

WHEREAS it is expedient to exclude the Malabar District and the portion of the Nilgiri District known as South-East Wynaad from the operation of Act VIII of 1865² (Madras); It is hereby enacted as follows:—

Preamble.

1. The provisions of the Madras Rent Recovery Act, VIII of 1865, as amended by subsequent enactments, shall not apply to the Malabar District nor to that portion of the Nilgiri District which is known as the South-East Wynaad.

Exclusion of Malabar and South-East Wynaad from the operation of Madras Act VIII of 1865.

MADRAS ACT No. II OF 1896.³

[12th November, 1895; 20th January, 1896.]

An Act to amend the Madras General Clauses Act, I of 1891.

WHEREAS it is expedient to amend the Madras General Clauses Act, I of 1891⁴; It is hereby enacted as follows:—

Preamble.

1. For clause (12) of section 3 of the Madras General Clauses Act, I of 1891, the following shall be substituted:—

Definition of "Local Government."

"(12) 'Local Government' shall mean the Governor of Fort St. George in Council."

¹ Short title, "The Madras Rent Recovery (Amendment) Act, 1896"—see the Repealing and Amending Act, 1901 (XI of 1901).

For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 15th October, 1895, p. 5; for Proceedings in Council, see *ibid* dated 3rd December, 1895, p. 10.

The Governor General's assent to this Act was first published in the Fort St. George Gazette of 21st January, 1896.

² Printed, *supra*, p. 299.

³ Short title, "The Madras General Clauses (Amendment) Act, 1896"—see the Repealing and Amending Act 1901 (XI of 1901).

For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 15th October, 1895, p. 7; for Proceedings in Council, see *ibid* dated 3rd December, 1895 p. 18.

The Governor General's assent to this Act was published in the Fort St. George Gazette of February 4th, 1896.

⁴ Printed, *supra*, p. 914.

MADRAS ACT No. III of 1896.¹

[22nd January, 1896 ; 21st March 1896.]

An Act to make better provision for the registration of proprietors of estates subject to the payment of revenue direct to Government in Malabar and the Wynaad.

Preamble.

WHEREAS Regulation XXVI of 1802² provides that landed property paying revenue to Government shall be registered by the Collector ; and whereas such landed property in Malabar and the Wynaad has in many cases not been registered in the names of the proprietors thereof ; and whereas it is desirable for the security of the public revenue to provide a summary means whereby the Collector may ascertain such proprietors ; It is hereby enacted as follows :—

Short title.

1. (1) This Act may be called the Malabar Land Registration Act, 1895.

Extent.

(2) It extends to the whole of the Malabar District and to that portion of the Nilgiri District which is known as South-East Wynaad.

Interpretation clause.

2. In this Act, unless there is something repugnant in the subject or context,—

“Estate.”

“estate” means any land which is subject either now or prospectively to separate assessment to land-revenue payable direct to Government :

“Registered.”

“registered” means registered in the public registers maintained by the Collector in accordance with the provisions of Regulation XXVI of 1802.²

Proprietor or joint proprietor of an estate may apply for registration within specified time.

3. Within such time as the District Collector may fix as hereinafter provided, any person who is or claims to be the proprietor or joint proprietor of an estate and whose name is not already registered, or any other person having authority to act on his behalf, may make application to the District Collector or to an officer empowered by him to receive such application for registration as proprietor or joint proprietor of the estate.

Collector to fix the date before which proprietor may apply for registration.

4. The District Collector shall fix for each taluk or such other local area as he may deem fit the date before which the proprietors of the estates situated therein may under the last preceding section apply to have their names registered, and may at any time alter any date so fixed :

¹ For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 15th October, 1895, p. 3 ; for Report of the Select Committee, see *ibid* dated 19th November, 1895, p. 1 ; for Proceedings in Council, see *ibid* dated 3rd December, 1895, p. 7 ; *ibid* dated 7th January, 1896, p. 9.

The Governor General's assent to this Act was published in the Fort St. George Gazette of 31st March, 1896.

² Printed, *supra*, p. 10.

(Secs. 5-8.)

Provided that such date or altered date shall not be less than two months or more than four months from the date of the publication of the same in the District Gazette. Proviso.

5. Every date fixed as provided in the last preceding section shall be notified in the Fort St. George and District Gazettes, and by notices to be posted up at the office of the District Collector, at the offices of the Revenue Divisional Officer, District Munsif, Tahsildár, Deputy Tahsildár and Sub-Registrar of Assurances within whose local jurisdiction the local area to which the date applies is situated, and at all police-stations and amshom kachahris within such local area; and shall also be proclaimed by beat of drum within the local area to which the date applies: Publication of date fixed by the Collector.

Provided that no irregularity or omission in the publication of the notices or in the proclamations referred to in this section shall affect the validity of any proceedings under this Act. Irregularity in publication not to affect validity of proceedings

6. As soon as conveniently may be after the date so fixed, the Collector shall, on a day and at a place to be previously notified in the District Gazette whether or not an application for registration under the preceding sections has been made and whether or not there is any dispute as to the entry to be made in the register, ascertain and determine by such summary inquiry as he thinks fit, in respect of every estate to which the date applies, the person who, in his opinion, is entitled to be registered as proprietor thereof and shall register him accordingly; and, if any such estate shall not previously have been separately surveyed or demarcated, may cause it to be so surveyed or demarcated, or both. Collector to ascertain by summary inquiry the person to be registered.

7. In the case of an estate belonging to joint proprietors who are members of a joint family or to a religious or charitable foundation, the estate shall be registered in the name of the managing member for the time being of such family or of the trustee, manager or superintendent for the time being of such foundation, as the case may be, who shall be described in the register as such managing member, trustee, manager or superintendent, and such registration shall be as effectual and valid as if made in the names of all the joint proprietors or of all the persons interested in such foundation. Collector empowered to cause survey and demarcation of estate. Registration in the case of estates belonging to joint proprietors, or to a religious or charitable foundation.

8. In any inquiry under section 6 the Collector shall hear any party to a dispute who attends on the day notified or on the day to which the inquiry may be adjourned, and shall receive such evidence as he may see fit; and in the case of a dispute he shall record the nature of the dispute, his decision thereon, the grounds of the decision and such other particulars as he thinks fit. Procedure in inquiries under section 6.

Notice of the registration to be given in certain cases.

Procedure when the person registered objects to the registration on receipt of such notice.

Registration subject to revision by Collector and modification by Civil Court.

Collector to furnish copies of the record on payment of fees.

Saving of certain provisions of Regulation XXVI of 1802.

Registered proprietor to be deemed

9. (1) If the person registered under section 6 or section 7 has not made an application under section 3, the Collector shall give him notice of the registration by the publication of the fact in the District Gazette and also, if his address is known, by letter sent by post registered.

(2) If any person to whom notice has been given under this section objects to such registration, he may apply to the Collector within two months of the date of the publication of such notice in the District Gazette or within one month of the receipt of the registered letter containing such notice, whichever is later, to have his name removed from the register, and the Collector shall thereupon consider his objections and shall either remove his name from the register or direct its retention therein as he may see fit; in the former case the Collector shall proceed under section 6 as if no such registration had been made.

10. Every registration purporting to be made in accordance with the procedure prescribed by this Act—

(i) may be revised by the Collector on application made within three months, and

(ii) shall be subject to any decree or order which may be passed by any Civil Court of competent jurisdiction: Provided that in any suit to set aside or modify such registration or in any appeal in such suit, in which suit or appeal an order or decree is passed *ex parte* against the Secretary of State for India in Council or against the Collector, neither the said Secretary of State in Council nor the Collector shall be made liable in costs.

11. On payment of the prescribed fees the Collector shall furnish to any person who may apply for the same copies of the record of every inquiry held under this Act and of every order and entry made thereunder or under Regulation XXVI of 1802.¹

12. Nothing in this Act shall be deemed to affect the provisions of Regulation XXVI of 1802¹ in respect of the mutation in the register kept by the Collector under that Regulation of the name of the proprietor registered in accordance with the provisions of this Act when a transfer of the proprietary interest in any estate takes place, whether by purchase, inheritance, gift or otherwise.

13. Every person registered as proprietor of an estate shall be deemed to be the landholder in respect of such estate within the meaning and for the purposes of the Madras Revenue Recovery Act, II of 1864,² and no proceedings

¹ Printed, *supra*, p. 10.

² Printed, *supra*, p. 281.

(Secs. 14-16.)

taken under the said Act against such person or against any land registered in his name shall be deemed invalid or ineffectual by reason of any error in such registration or on the ground that such person was not the real or sole proprietor.

the landholder for the purposes of Madras Revenue Recovery Act.

14. Notwithstanding anything contained in this Act or in Regulation XXVI of 1802,¹ the Collector shall, on the application of the registered proprietor of an estate, register as occupant jointly with such proprietor any person entitled to occupy such estate under an agreement in writing for a period of not less than five years :

Joint registration of occupants and proprietors permissible in certain cases.

Provided that no such registration shall take place unless such person signifies his consent in writing to such registration or a Civil Court of competent jurisdiction passes a decree, which it is hereby empowered to do, directing such registration in pursuance of a contract entered into between the proprietor and such person whereby the latter has undertaken to pay direct to Government the amount of land-revenue assessed on such estate :

Provided further that such registration shall have effect for the period of such agreement only.

15. In every case in which an occupant of an estate has been registered under the last preceding section and an arrear of revenue has accrued due in respect of such estate subsequent to such registration, the Collector may take proceedings in the first instance against such occupant under the provisions of the Madras Revenue Recovery Act, 11 of 1864,¹ in so far as they relate to the seizure, attachment and sale of moveable property or of the crops or ungathered products of land on which an arrear is due :

Recovery of arrear of revenue from occupants jointly registered with proprietors.

Provided that nothing herein contained shall debar the proprietor from recovering by suit from such occupant the arrear of revenue or portion thereof which, owing to the default of such occupant, has been paid by, or recovered from, him :

Provisos.

Provided further that nothing contained in this section shall be deemed to affect the power of the Collector to recover from the registered proprietor of such estate under any or all of the provisions of the said Act any arrear of revenue which may be due on such estate or on any other estate registered in the name of such proprietor.

16. Except as otherwise provided by this Act, no Civil Court shall have jurisdiction in any matter which the Collector is empowered by or under this Act to dispose of or shall take cognizance of the manner in which the Collector exercises any powers vested in him by or under this Act.

Jurisdiction of Civil Courts barred.

¹ Printed, *supra*, p.10.

Payment of
costs.

17. All costs of any inquiry or proceeding held before, or of any survey or demarcation directed by, the Collector under this Act shall be payable by the parties concerned, and the Collector may pass such orders as he shall think fit in respect of the payment of such costs ; and in the event of such costs not being paid on demand may recover the amount thereof in the same manner as if it were an arrear of land-revenue and pay the sum so recovered to the person entitled to receive it.

Order of
District
Collector
final.

18. Notwithstanding anything contained in Regulations I ¹ and II ¹ of 1803 of the Madras Code, no appeal shall lie to the Board of Revenue from any order made by the District Collector under this Act.

Saving
clause.

19. Subject to the provisions of section 13, nothing contained in this Act and nothing done in accordance with this Act shall be deemed to—

- (a) preclude the Government or any person from bringing a regular suit for possession of or for a declaration of right to any immoveable property to which the Government or such person may deem itself or himself entitled ; or
- (b) render a registration under this Act an admission on the part of the Government of the right of the person in whose name such estate may be registered or an admission of the validity of the title under which the estate is held ; or
- (c) affect the rights of the Government or of any person in respect of any estate or of any interest therein.

The Board of
Revenue may
make rules.

20. The Board of Revenue may, after previous publication, make subsidiary rules for the carrying out of the purposes of this Act, and may prescribe the fees, if any, to be paid for the service of summonses issued under Madras Act III of 1869 ² in connection with inquiries and proceedings under this Act.

Power to
suspend
operation
of Act.

21. The Local Government may, by notification, suspend the operation of this Act in any specified portion of the districts to which it applies, and may, by subsequent notification, bring it again into operation.

¹ Printed, *supra*, pp. 15 and 21, respectively.

² Printed, *supra*, p. 342.

(Secs. 1-3.)

MADRAS ACT No. IV OF 1896.¹

[14th March, 1896 ; 27th May, 1896.]

An Act to provide a form of marriage for persons following the Marumakkatayam or the Aliyasantana Law.

WHEREAS it is expedient to enable persons following the Marumakkatayam or the Aliyasantana Law of Inheritance to contract marriages which shall be recognized by Courts of law as legal marriages and to provide for the issue of such marriages ; It is hereby enacted as follows :—

Preamble.

1. This Act may be called the Malabar Marriage Act, 1896 ; and it shall be applicable to all Hindus domiciled in the Presidency of Madras following the Marumakkatayam or the Aliyasantana Law of Inheritance.

Title and application.

2. In this Act, unless there is something repugnant in the subject or context,—

Definitions.

“Sambandham” means an alliance between a man and a woman by reason of which they, in accordance with the custom of the community to which they belong or either of them belongs, cohabit or intend to cohabit as husband and wife ;

“Sambandham.”

“children” means sons and daughters of parents whose Sambandham has been registered as a marriage under this Act, whether born before or after such registration ; but shall not include step-sons or step-daughters. In the case of any one whose personal law permits adoption, “children” shall include adopted sons and daughters ;

“Children.”

“marriage,” with its grammatical variations and cognate expressions, means, except in section 3, clause (a), the last word of section 3, clause (c), section 15, clause (a), and the last word of section 15, clause (c), a Sambandham registered under the provisions of this Act :

“Marriage.”

“Tarwad” means and includes all the members of a joint family with community of property governed by the Marumakkatayam or the Aliyasantana Law of Inheritance.

“Tarwad.”

3. A Sambandham between Hindus both or either of whom follow the Marumakkatayam or the Aliyasantana Law of Inheritance may be registered under this Act as hereinafter provided subject to the following conditions :—

Conditions subject to which a Sambandham may be registered as a marriage.

(a) neither party must be subject to a personal law of marriage

¹ For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 16th July, 1895, p. 5 ; for Report of the Select Committee, see *ibid* dated 4th February, 1896, p. 1 ; for Proceedings in Council, see *ibid* dated 11th June, 1895, p. 24 ; *ibid* dated 3rd December, 1895, p. 19 ; *ibid* dated 31st March, 1896, p. 11 ; and *ibid* dated 21st April, 1896, p. 11.

The Governor General's assent to this Act was published in the Fort St. George Gazette of 16th June, 1896.

(Secs. 4-6.)

according to which he or she, as the case may be, cannot validly contract a marriage with the other party ;

- (b) the relation of the parties must not be such in respect of consanguinity or affinity that a Sambandham between them is prohibited by any custom or usage applicable to the community to which they belong or either of them belongs ;
- (c) neither party must at the date of the notice under section 5 have a husband or wife living whose Sambandham with her or him has been registered under this Act and which marriage is not null and void under section 15 or with whom she or he is otherwise legally married ;
- (d) the parties must not belong to different communities between the members of which, according to the custom or usage applicable to either community, cohabitation is prohibited ;
- (e) the Sambandham must have been formed in accordance with the customary ceremonies, if any, prevailing in the community to which they belong or either of them belongs ;
- (f) a party to a Sambandham who is a minor must have obtained the consent of his or her legal guardian to the registration of the Sambandham as a marriage.

Appointment
of Marriage
Registrars.

4. The Local Government may appoint one or more Registrars under this Act, either by name or as holding any office for the time being, for any portion of the territory subject to its administration. The officer so appointed shall be called "Registrar of Marriages under the Malabar Marriage Act, 1896," and is hereinafter referred to as the "Registrar." The portion of territory for which any such officer is appointed shall be deemed his district.

Registration.

Notice of
intention to
register a
Sambandham
to be given to
the Registrar.

5. When it is intended to register a Sambandham as a marriage under this Act, both or either of the parties shall give notice in the form (A) to this Act annexed to the Registrar within whose local jurisdiction either of the parties resided at the time when the Sambandham was formed or within whose local jurisdiction it is intended to form it.

Registrar to
file such
notices and to
maintain the
"Marriage
Notice
Book."

6. The Registrar shall file all such notices and keep them with the records of his office, and shall also forthwith enter a true copy of all such notices fairly into a book to be for that purpose supplied to him by the Local Government and to be called "The Marriage Notice Book." Such book shall be open at all reasonable times without fee to all persons desirous of inspecting the same.

(Secs. 7-9.)

7. (1) Every Registrar shall, on receiving any such notice, forthwith cause a copy thereof to be affixed to a notice-board in some conspicuous place in his office; and shall then serve or cause to be served at the expense of the party giving such notice a copy thereof on the other party to the Sambandham, if both parties have not joined in giving such notice, on the guardians, if any, of the parties thereto, and on the managing members of the Tarwads or families to which they respectively belong.

Copies of notice to be served on interested parties.

(2) If at any time before registration is effected the party by whom notice was given under section 5 signifies in writing to the Registrar that he withdraws such notice, the Registrar shall, thereupon, at the expense of the party withdrawing the same, communicate the fact of withdrawal to the persons mentioned in sub-section (1).

Withdrawal of notice.

8. (1) Any person entitled to receive a notice under sub-section (1) of section 7, any member of the Tarwad or family of either party, or any person having any expectancy of succession to the property, if any, of such Tarwad or family of either party may, within one month from the date of such service of notice, object to such registration on the ground that such Sambandham or registration is in contravention of the conditions prescribed in section 3.

Persons entitled to object to registration of a Sambandham.

Grounds on which objection may be taken.

(2) Such objection shall be in writing signed by the person objecting and shall be presented by the objector or his duly authorized agent to the Registrar, who shall file the same in his office. A copy of such objections shall at the expense of the objector be served on the party by whom notice was given under section 5.

Procedure of Registrar if objection is taken.

(3) On receipt of a notice of objection [made under sub-section (1)], the Registrar shall not proceed to register the Sambandham as a marriage until the expiry of four months from the receipt of such notice unless such notice is in the meantime withdrawn.

(4) If no such objection be made under this section and if neither party withdraws the notice under section 7, sub-section (2), such Sambandham may at any time, not being less than one month nor more than six months from the service of the notice under section 7, be registered as a marriage.

Procedure if no objection is taken.

9. Any person objecting to the intended registration of a Sambandham may, after complying with the provisions of section 8, file a suit in a competent Civil Court for a declaratory decree declaring that such registration would contravene one or more of the conditions prescribed in section 3.

Person objecting may file a suit in a Civil Court.

¹ These words and figure were substituted for the words and figure "under section 7" by Mad. Act I of 1898, *infra*, p. 1015.

They are to be read as if they had been substituted at the passing of this Act—see s. 3 of Mad. Act I of 1898.

Registration to be delayed pending final disposal of suit, if certificate of institution is lodged with Registrar.

10. The Judge before whom such suit is instituted shall thereupon give the person instituting the same a certificate to the effect that such suit has been filed. If such certificate be lodged with the Registrar within four months from the receipt of notice of objection, the Sambandham shall not be registered as a marriage under this Act till the decision of such Court has been given and the period allowed by law for appeals from such decision has elapsed; or, if there be an appeal from such decision, till the decision of the Appellate Court has been given or such suit or appeal has been withdrawn or dismissed for default.

If such certificate be not lodged within the period prescribed in the last preceding paragraph, or if the suit by the objector be finally dismissed or withdrawn, the Sambandham may be registered as a marriage.

Declaration to be signed before registration.

11. Before a Sambandham is registered as a marriage, the parties thereto and three witnesses shall, in the presence of the Registrar, sign a declaration in the form (B) to this Act annexed. If either party is a minor, the declaration shall also be signed by his or her legal guardian, and in every case it shall be countersigned by the Registrar.

Registrar to enter certificate of marriage in the Marriage Certificate Book.

12. When such declaration has been made, the Registrar shall enter a certificate of marriage in a book to be for that purpose supplied to him by the Local Government and to be called "The Marriage Certificate Book" in the form (C) to this Act annexed, and such certificate shall be signed by the Registrar and countersigned by the parties, three witnesses and, if either party is a minor, by his or her guardian also.

Registration at a private residence.

13. Subject to such rules as may be prescribed in that behalf by the Local Government, the Registrar may attend at the private residence of the parties or of the guardian of a party who is a minor for the purpose of such declaration and marriage certificate book being signed by them in his presence.

Fees payable to Registrar.

14. The Local Government shall prescribe the fees payable for the duties to be discharged by the Registrar under this Act.

The Registrar may demand payment of any such fee before the registration of the Sambandham or performance of any other duty in respect of which it is payable.

The said marriage certificate book shall, at all reasonable times, be open for inspection. The Registrar shall furnish certified extracts from the marriage certificate book upon payment of the fee prescribed by the Local Government therefor, and such extracts shall be admissible as evidence of the due registration as marriage of the Sambandham therein mentioned.

Marriage when null and void.

15. (1) A marriage shall be null and void only—

(a) if either party is subject to a personal law of marriage according to

(Secs. 16-18.)

which he or she, as the case may be, cannot validly contract a marriage with the other ;

(c) if a relationship can be traced between the parties through some common ancestor who stands to each of them in a nearer relationship than that of great-great-grandfather or great-great-grandmother, and by reason of such relationship a Sambandham between them is prohibited by any custom or usage applicable to the community to which they belong or either of them belongs ;

(e) if either party has a husband or wife living whose Sambandham with such party has been registered as a marriage under this Act and such marriage is not null and void under clauses (a) and (b) of sub-section (1) or with whom she or he has been otherwise legally married.

(2) A marriage shall not be invalid on the ground that the Sambandham or registration contravenes any of the grounds mentioned in section 3 other than those specified in clauses (a), (b) and (c) of sub-section (1).

16. (1) No marriage under this Act shall be held invalid by reason of any irregularity in the giving of notice under section 5 or of failure to give notice under section 7 to any person entitled to receive it, or by reason of any irregularity in the publication or service of the copy of such notice or in complying with the provisions of sections 5, 11 and 12.

Marriage not invalid by reason of irregularity in procedure.

(2) But, when any person entitled to be served with copy of notice under section 7 has not been so served, it shall be competent to him to institute a suit within three months from the date of registration of the Sambandham for cancellation of such registration on all or any of the grounds mentioned in section 3.

Maintenance.

17. (1) The wife and children shall be entitled to be maintained by the husband or father, as the case may be. In a civil suit by the wife or children for maintenance, it shall be open to the husband or father to plead all defences open in such a suit to a Hindu governed by the ordinary Hindu law.

Maintenance of wife and children.

(2) Nothing herein contained shall affect the right of the wife and children to be maintained by the Tarwad.

Guardianship.

18. When a man's wife and children are minors maintained by him or his Tarwad, he shall, subject to the provision of the Guardians and Wards Act, 1890,¹ be the guardian of his wife when she is over fourteen years of

Guardianship of minor wife and children.

age and of his children : Provided that such guardianship shall not extend to the right and interest of his wife or children in the property of the Tarwad to which his wife and children belong.

Divorce.

Petition for dissolution of marriage.

19. A husband and wife or either of them may present a petition for dissolution of the marriage in the Court of the District Munsif within the local limits of whose jurisdiction either the husband or wife, or in cases in which one of them alone is petitioner the respondent, has a permanent dwelling or actually and voluntarily resides or carries on business or personally works for gain at the time when the petition is presented.

[¹*Explanation* —For the purposes of this section the Madras City Civil Court shall be deemed to be the Court of the District Munsif in respect of the area within the local limits for the time being of the ordinary original civil jurisdiction of the High Court of Madras.]

Notice to be given to other party, if petition is not joint.

20. A copy of such application when made by one party alone shall be served on the other party to the marriage at the expense of the petitioner.

Court to declare marriage dissolved on motion made within a specified period.

21. Six months after the presentation of a petition by both parties, or in cases where the application is made by one party alone six months after the service of notice under section 20, the Court shall, on the motion of the applicants or applicant, declare in writing the marriage dissolved : Provided that such motion is made within seven days after the expiration of the six months or, if the Court is closed then that such motion is made on the day on which the Court is re-opened. Upon such declaration the marriage shall be deemed dissolved from the date of such declaration ; and no declaration made under this section shall be held invalid by reason of any irregularity in complying with the provisions of sections 19, 20 and 21. If no such motion is made within the time hereinbefore prescribed, the Court shall dismiss the petition.

Maintenance when claimable by divorced wife.

22. Where a marriage has been dissolved without the consent of the wife, she shall, notwithstanding such dissolution, be entitled to claim maintenance from the husband so long as she remains a Hindu, continues chaste, and does not form a Sambandham or contract a marriage : Provided that she was not guilty of adultery uncondoned before such dissolution.

Succession to separate property of a married man dying intestate.

23. Where a man following the Marumakkatayam or the Aliyasantana Law of Inheritance dies intestate in respect of his self-acquired or separate property or any portion thereof, one-half of such property or in the event of

¹ This explanation was inserted by s. 2 of Mad. Act I of 1898, and under s. 3 of that Act it is to be read as if it had been inserted at the passing of this Act.

(Secs. 24-25.)

no member of his Tarwad surviving him the whole of such property shall devolve on his widow if he leaves no children, or on his children in equal shares if he leaves no widow, or on his widow and children in equal shares if he leaves both widow and children.

24. Where a woman following the Marumakkatayam or the Aliasantana Law of Inheritance dies intestate in respect of her separate or self-acquired property or any portion thereof, one-half of such property shall devolve in equal shares upon her children and, in the event of no member of her Tarwad surviving her, the whole of such property shall devolve on her husband.

Succession to separate property of a married woman dying intestate.

25. Copies of notices under sub-section (1) of section 7, notice of withdrawal under sub-section (2) of section 7, copies of objections under sub-section (2) of section 8, shall be served through such officer or Court as the Local Government may direct in this behalf, and the law in force for the time being for the service of summons on a defendant in a civil suit shall apply to such service.

Service of notices under this Act.

FORM A.

(Section 5.)

NOTICE OF MARRIAGE.

To,

—, a Registrar of Marriages under Act — for the District of —.

I hereby give you notice that I intend registering as a marriage under Act — the Sambandham between me and the other party herein named and described :—

Name.	Names of Tarwad and of the managing member thereof.	Names of the legal guardians (if any).	Rank or profession or calling.	Residence.	Age.	Caste	The place in which the Sambandham was formed or is intended to be formed.
A. B.							
C. D.							

Witness my hand, this — day of —

189 .

(Signed)

(Forms B and C.)

FORM B.

(Section 11.)

DECLARATION TO BE MADE SEPARATELY BY THE BRIDEGROOM AND BY THE BRIDE.

I, A. B., hereby declare as follows :—

(1) I am a Hindu governed by the Law of Inheritance.

(2) I am years of age.

(3) The registration of my Sambandham with will not contravene any of the conditions prescribed in section 3 of Act .

(4) I consent to the registration as a marriage of the Sambandham between me and C. D. [*or, if the party making the declaration is a minor,*

(4) My legal guardian consents to the registration as a marriage of the Sambandham between me and C. D.].

(5) I am aware that, if any statement in this declaration is false and if in making such statement I either know or believe it to be false or do not believe it to be true, I am liable to imprisonment and fine.

(Signed) A. B. (the Bridegroom or Bride).

(Signed) G. H.	} Three witnesses.	(„) E. F. (Guardian, if any).
(„) I. J.		(Countersigned) M. N.,
(„) K. L.		<i>Registrar of Marriages under Act</i> <i>for the District of</i>

FORM C.

(Section 12.)

MARRIAGE CERTIFICATE.

I, E. F., certify that, on the of 189 , appeared before me A. B. and C. D., each of whom in my presence and in the presence of three witnesses, whose names are signed hereunder, made the declarations required by Act , and that the Sambandham between them was registered as a marriage under the said Act in my presence.

(Signed) E. F.,

Registrar of Marriages under Act
for the District of

(Signed) G. H.	} Three witnesses.	(Signed) A. B.
(„) I. J.		(„) C. D.
(„) K. L.		(„) M. N. (Guardian, if any).

Dated the day of 189 .

MADRAS ACT No. I of 1897.¹

[12th December, 1896; 15th January, 1897.]

An Act to amend the Madras Revenue Recovery Act, II of 1864.

WHEREAS it is expedient to amend Madras Act II of 1864²; It is hereby enacted as follows:—

Preamble.

1. In section 35 of Madras Act II of 1864,² for the words “shall constitute a debt from the defaulter to him and” shall be substituted the words “or by any person not being in possession thereof but *bond fide* claiming an interest therein adverse to the defaulter”; and at the end of the same section shall be inserted the following sentence:—“such sums when paid by a *bond fide* mortgagee or other incumbrancer shall further constitute a debt from the defaulter.”

Amendment of section 35 of Madras Act II of 1864.

2. In the proviso to section 37 of Madras Act II of 1864,² after the word “incumbrancer” the following words shall be inserted:—“or any person *bond fide* claiming an interest in the estate adverse to the defaulter.”

Amendment of section 37 of Madras Act II of 1864.

MADRAS ACT No. II of 1897.³

[13th February, 1897; 4th March, 1897.]

An Act to amend Madras Act No. III of 1895 (the Madras Hereditary Village-offices Act, 1895).

Mad. Act III of 1895.

WHEREAS it is expedient to amend the Madras Hereditary Village-offices Act, 1895; It is hereby enacted as follows:—

Preamble.

1. The following shall be deemed to have been inserted after section 23 of the Madras Hereditary Village-offices Act, 1895, at the time when that Act came into force:—

Insertion of a new section after section 23 of Madras Act III of 1895.

[*Fide supra*, p. 966.]

¹ Short title, “The Madras Revenue Recovery (Amendment) Act, 1897”—see the Repealing and Amending Act, 1901 (XI of 1901).

For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 17th March, 1896, p. 1; for Report of the Select Committee, see *ibid* dated 16th June, 1896, p. 1; for Proceedings in Council, see *ibid* dated 9th June, 1896, p. 44; and *ibid* dated 12th January, 1897, p. 28.

The Governor General's assent to this Act was first published in the Fort St. George Gazette dated 26th January, 1897.

² Printed *supra*, p. 278.

³ Short title, “The Madras Hereditary Village-offices (Amendment) Act, 1897”—see the Repealing and Amending Act, 1901 (XI of 1901).

For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 29th September, 1896, p. 1; for Proceedings in Council, see *ibid* dated 12th January, 1897, p. 24; and *ibid* dated 9th March, 1897, p. 32.

The Governor General's assent to this Act was published in the Fort St. George Gazette dated 16th March, 1897.

MADRAS ACT No. III of 1897.¹

[8th March, 1897; 10th April, 1897.]

An Act to amend Madras Act IV of 1884 (the Madras District Municipalities Act, 1884).

Preamble.

WHEREAS it is expedient to amend the Madras District Municipalities Act, 1884; It is hereby enacted as follows:—

Mad. IV of 1884.

Title and commencement.

1. This Act may be called the Madras District Municipalities Act Amendment Act, 1897; and it shall come into force on such date as the Governor in Council may, by notification, direct.²

Sections amended, those of Madras Act IV of 1884.

2. Unless there be something repugnant in the subject or context, the sections declared to be amended by this Act are those of the Madras District Municipalities Act, 1884.

Mad. IV of 1884.

Repeal of certain sections.

3. (1) Section 2, section 6, section 7, section 22, section 25, the proviso to section 39, the proviso to section 50, section 57, sub-section (3) of section 65, section 67, section 70, section 71, section 74, section 76, section 87, section 112, section 123, section 139, section 198, section 199, section 225, sub-section (5) of section 255, section 285 and section 287 are hereby repealed.

Omission of the words "at a meeting" from certain sections.

(2) The words "at a meeting" shall be omitted from every section of the Act where they occur, except from section 30.

Substitution of "financial year" for "official year" throughout the Act.

(3) For the words "official year", wherever they occur, shall be substituted the words "financial year".

Amendment of section 1

4. In sub-section (2) of section 1, the figures "1884" shall be substituted for the figures "1878."

New section substituted for section.

5. For section 3 shall be substituted the following section:—

[*Vide supra*, p. 566.]

New section substituted for sub-section (1) of section 4.

6. For sub-section (1) of section 4 shall be substituted the following section:—

[*Vide supra*, p. 569.]

¹ For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 6th February, 1894, p. 9; for Report of the Select Committee, see *ibid* dated 2nd April, 1895, p. 1; for Proceedings in Council, see *ibid* dated 10th April, 1894, p. 29; *ibid* dated 11th June, 1895, p. 32; *ibid* dated 21st April, 1896, p. 19; *ibid* dated 12th May, 1896, p. 1; *ibid* dated 9th June, 1896, p. 44; *ibid* dated 9th March, 1897, p. 45.

² The Act came into force on 4th May, 1897—see Fort St. George Gazette, 1897, Pt. I-A, p. 102.

(Secs. 7-18.)

7. For sub-section (2) of section 4 shall be substituted the two following sections :—
[Vide supra, p. 570.]
8. For section 5 shall be substituted the following section :—
[Vide supra, p. 571.]
9. In section 8 the words “and of not more than twenty-four ” shall be inserted between the words “ twelve ” and “ persons. ”
10. For section 10 shall be substituted the following section :—
[Vide supra, p. 572.]
11. After section 10 the two following sections shall be inserted :—
[Vide supra, p. 572.]
12. For the first paragraph of section 11 the following shall be substituted :—
[Vide supra, p. 573.]
13. (i) Sections 12 and 13 shall be re-numbered as sections 13 and 12, respectively.
 (ii) In section 12 as so re-numbered for the figures and word “ (iii) and ” shall be substituted the word and figures “ and (iii), ” and for the proviso to this section shall be substituted the following :—
[Vide supra, p. 573.]
14. For section 14 shall be substituted the following section :—
[Vide supra, p. 574.]
15. For section 15 shall be substituted the following section :—
[Vide supra, p. 574.]
16. For section 16 shall be substituted the following section :—
[Vide supra, p. 575.]
17. (1) For sub-section (1) of section 17 shall be substituted the following sub-section :—
[Vide supra, p. 575.]
18. (1) In sub-section (1) of section 18, after the word “ Chairman ” shall be inserted the word “ Vice-Chairman ”.

New sections substituted for sub-section (2) of section 4.

New section substituted for section 5.

Amendment of section 8.

New section substituted for section 10.

Insertion of two new sections after section 10.

Substitution of a new paragraph for paragraph 1 of section 11.

Renumbering of sections 12 and 13 and amendment of section 13.

New section substituted for section 14.

New section substituted for section 15.

New section substituted for section 16.

New sub-section substituted for sub-section (1) of section 17.

Amendment of section 18.

(Secs. 19-22.)

(2) In sub-section (2) of the same section the words "permanently or temporarily" shall be inserted between the words "transferred" and "from", and the words "or on quitting the district or division with the intention of remaining absent therefrom for more than three months" shall be inserted after the word "situated".

Amendment
of section 19.

19. (1) For the first fourteen words of sub-section (1) of section 19 shall be substituted the words "The Governor in Council may, by notification, remove any Chairman, Vice-Chairman or Municipal Councillor, other than an *ex officio* Chairman or Municipal Councillor".

(2) In the same sub-section the following clause shall be inserted as clause (i):—

"(i) on the ground that, at the time of his appointment, he was not qualified under section 10A to be appointed a Municipal Councillor";

and the present clauses (i), (ii) and (iii) shall be re-numbered as clauses (ii), (iii) and (iv), respectively.

(3) In clause (ii) of the same sub-section the word "Vice-Chairman" shall be inserted after the word "Chairman".

(4) At the end of clause (iv) of the same sub-section shall be inserted the words "or likely to bring the municipal administration into contempt," and the following proviso shall be added:—

[*Vide supra*, p. 576.]

(5) To the same sub-section shall be added the following clause:—

"(v) in the case of a Chairman, if he, without an excuse sufficient in the opinion of the Governor in Council, omits or refuses to carry out any resolution of the Council."

(6) The word "Vice-Chairman" shall be inserted after the word "Chairman" in sub-section (2) of the same section.

Amendment
of section 20.

20. (1) In section 20 the words "by resignation, removal or death" shall be omitted, and after the words "otherwise directs" shall be added the words "in exercise of the powers vested in him under section 12."

New sub-sec-
tion added.

(2) The figure (1) shall be inserted at the beginning of the same section, and the following shall be added as sub-section (2):—

[*Vide supra*, p. 577.]

Insertion of
a new sec-
tion after
section 21.

21. After section 21 shall be inserted the following section:—

[*Vide supra*, p. 577.]

Amendment
of section 28.

22. (1) In sub-section (1) of section 28, for the words "any Bank in or near the Municipality" shall be substituted the words "a Bank".

(Secs. 23-25.)

(2) In sub-section (2) of the same section, for the words "by any two of the Municipal Councillors" shall be substituted the words "by any two Municipal Councillors who have been duly authorized in this behalf by the Chairman," and the following words shall be inserted at the end of the sub-section :—

[*Vide supra*, p. 579.]

23. For sub-section (2) of section 29 shall be substituted the three following sub-sections :—

[*Vide supra*, p. 579.]

Substitution
of new sub-
sections for
sub-section
(2) of section
29.

Amendment
of section 30

24. (1) In sub-section (1) of section 30, between the words "Chairman" and "shall preside" shall be inserted the words "or in his absence the Vice-Chairman", and for the words "of the Chairman" shall be substituted the words "of both the Chairman and Vice-Chairman".

(2) In sub-section (2), the words "the Chairman or" shall be omitted.

(3) The following sub-section shall be inserted after sub-section (2) :—

[*Vide supra*, p. 580.]

New sub-
section
added.

and the present sub-sections (3), (4) and (5) shall be re-numbered as sub-sections (4), (5) and (6), respectively.

(4) In sub-section (4) of the same section as so re-numbered, the words "The Sanitary Commissioner, the Sanitary Engineer," shall be inserted at the beginning; the words "the Inspector or the Assistant Inspector of Schools" shall be substituted for the words "and the Inspector of Schools of the Circle"; and the words "attend any meeting of the Municipal Council and" and the word "respectively" shall be omitted.

(5) For sub-section (5) of the same section shall be substituted the following sub-section :—

[*Vide supra*, p. 580.]

(6) In sub-section (6) of the same section the words "at a meeting specially convened in that behalf and" shall be inserted after the word "except"; and for the last twelve words shall be substituted the words "the votes of not less than one-half of the sanctioned number of Municipal Councillors."

25. (1) In sub-section (1) of section 31, for the first twelve words shall be substituted the words "Minutes of the proceedings at each meeting of the Municipal Council".

Amendment
of section 31.

(2) In sub-section (2) of the same section, for the words "resolutions of" shall be substituted the words "proceedings at", and for the words "Municipal Council" shall be substituted the word "Chairman"; and the following proviso shall be added at the end of the sub-section :—

[*Vide supra*, p. 581.]

New sub-
section
added.

(3) After sub-section (2) of the same section shall be inserted the following sub-section :—

[*Vide supra*, p. 581.]

New sub-
section
inserted in
section 32.

26. (1) In section 32, after sub-section (1), shall be inserted the following sub-section :—

[*Vide supra*, p. 582.]

and the present sub-sections (2) and (5) shall be re-numbered as sub-sections (3) and (5), respectively.

New sub-
sections
substituted
for sub-
section (3) of
section 32.
Insertion of
a new section
after section
32.

(2) For sub-section (3) of the same section as so re-numbered shall be substituted the two following sub-sections :—

[*Vide supra*, p. 582.]

27. After section 32 shall be inserted the following section :—

[*Vide supra*, p. 583.]

Amendment
of section 33.

28. (1) In sub-section (1) of section 33, for the words “any Chairman” shall be substituted the words “the Chairman;” for the words “such Chairman”, whenever they occur, shall be substituted the words “the Chairman”; and the words “after giving the Chairman a reasonable opportunity of explanation” shall be inserted between the words “Collector” and “may”.

(2) In sub-section (2) of the same section the words “together with the explanation of the Chairman, if any,” shall be inserted after the words “copy thereof”.

Amendment
of section 34.

29. In sub-section (2) of section 34, for the words “this section” shall be substituted the words “sub-section (1)”; and, at the end of the same sub-section shall be added the words “The Collector of the district also may, by a special order in writing in each case, direct the Revenue-officer in charge of the division to exercise any of the powers referred to in clauses (i), (ii) and (iii) of sub-section (1).”

Amendment
of section 35.

30. (1) For sub-section (1) of section 35 shall be substituted the following sub-section :—

[*Vide supra*, p. 584.]

Amendment
of section 36.

31. (1) In sub-section (1) of section 36, for the words “the Revenue-officer in charge of the division of a district in which any municipality is situated,” shall be substituted the words “the Collector of the district or the Revenue-officer in charge of the division”; and between the words “Municipal Council” and the words “is empowered” shall be inserted the words “or the Chairman”.

(2) In sub-section (2) of the same section, between the word “such” and the words “Revenue-officer” shall be inserted the words “Collector or”.

(3) For sub-section (3) of section 36 shall be substituted the following sub-section :—

[*Vide supra*, p. 585.]

32. (1) In sub-section (1) of section 37, between the words "Municipal Council" and the words "has made" shall be inserted the words "or a Chairman", and the words "on it" shall be omitted. Amendment of section 37.

(2) In sub-section (3) of the same section, at the end of the first sentence shall be inserted the words "except charges for the service of authorized loans."

33. The figure (1) shall be inserted at the beginning of section 38, and the following shall be added as sub-section (2) :— New sub-section added to section 38.

[*Vide supra*, p. 586.]

34. After section 39 shall be inserted the following section :—

[*Vide supra*, p. 587.]

Insertion of a new section after section 39.

35. (1) To sub-section (4) of section 40, at the end, shall be added the words "or unless some other Government servant has been deputed to replace the one withdrawn." Amendment of section 40.

(2) After the same sub-section shall be inserted the following sub-section :— New sub-section added.

[*Vide supra*, p. 588.]

36. (1) From sub-section (1) of section 42 shall be omitted the words "and may also appoint such temporary servants as may be required for the purposes of this Act in cases of emergency," as also the words "and temporary" and the words "or as the emergency may require". Amendment of section 42.

(2) After sub-section (1) of the same section the following sub-section shall be inserted :— New sub-section added.

[*Vide supra*, p. 589.]

(3) In sub-section (3) of the same section as so re-numbered, after the word "suspend" shall be inserted the word "reduce"; and for the word "persons" shall be substituted the word "servants".

37. To section 43 shall be added the following proviso :—

[*Vide supra*, p. 590.]

Addition of a proviso to section 43.

38. (1) In sub-section (1) of section 44, the word "one" shall be omitted, and the words "the Chairman or a Committee consisting of two" inserted instead. Amendment of section 44.

(2) After sub-section (2) of the same section shall be inserted the following sub-section :—

[*Vide supra*, p. 590.]

- Amendment of section 45.** 39. In sub-section (1) of section 45, the figures "100" shall be substituted for the figures "200"; between the word "and" and the words "shall be signed" shall be inserted the words "except in the case of contracts made under the provisions of sub-section (3) of section 44"; and at the end of the sub-section the words "or Vice-Chairman" shall be added.
- New section substituted for section 47.** 40. For section 47 shall be substituted the following section :—
[*Vide supra*, p. 591.]
- Amendment of section 48.** 41. In section 48 the words "this Act" shall be substituted for the words "the last preceding section".
- Amendment of section 51.** 42. In section 51, for the words "who has, in their opinion, become unable," shall be substituted the words "who is, in their opinion, unable".
- New section substituted for section 52.** 43. For section 52 shall be substituted the following section :—
[*Vide supra*, p. 592.]
- Insertion of new sections after section 52.** 44. After section 52 shall be inserted the two following sections :—
[*Vide supra*, p. 593.]
- Amendment of section 53.** 45. The following explanation shall be added to section 53 :—
[*Vide supra*, p. 593.]
- Amendment of section 56.** 46. In section 56, for the word "may" shall be substituted the word "shall".
- New section substituted for section 60.** 47. For section 60 shall be substituted the following section :—
[*Vide supra*, p. 594.]
- New section substituted for section 62.** 48. For section 62 shall be substituted the following section :—
[*Vide supra*, p. 595.]
- New section substituted for section 63.** 49. For section 63 shall be substituted the following section :—
[*Vide supra*, p. 596.]
- Insertion of a new section after section 63.** 50. After section 63 shall be inserted the following section :—
[*Vide supra*, p. 597.]
- New section substituted for section 64.** 51. For section 64 shall be substituted the following section :—
[*Vide supra*, p. 597.]
- New section substituted for section 66.** 52. For section 66 shall be substituted the following section :—
[*Vide supra*, p. 597.]
- New sections substituted for section 69.** 53. For section 69 shall be substituted the five following sections :—
[*Vide supra*, p. 598.]

(Secs. 54-62.)

54. For section 72 shall be substituted the following section :—

[*Vide supra*, p. 599.]

New section substituted for section 72.

55. (1) In sub-section (1) of section 73, at the end, shall be inserted the words :—

[*Vide supra*, p. 599.]

Amendment of section 73.

(2) For sub-section (2) of the same section shall be substituted the following sub-section :—

[*Vide supra*, p. 600.]

Sub-section (2) replaced.

56. For sub-section (1) of section 75 shall be substituted the following sub-section :—

[*Vide supra*, p. 600.]

New sub-section substituted for sub-section (1) of section 75.

57. (1) In sub-section (1) of section 77, for the words “kept within the municipality or let out for hire or used in the municipality”, shall be substituted the words “kept or let out for hire within the municipality”.

Amendment of section 77.

(2) In sub-section (2) of the same section, the words “or used” shall be omitted, and for the figures “30” shall be substituted the word “fifteen”.

(3) In sub-section (3) of the same section, after the words “under this section” shall be inserted the words “in any municipality”, and for the words “any municipality” shall be substituted the words “the same municipality”.

58. (1) For clause (i) of section 78 shall be substituted the following clause :—

[*Vide supra*, p. 601.]

Substitution of new clauses for clauses (i) and (iv) of section 78.

(2) For clause (iv) of the same section shall be substituted the following clause :—

[*Vide supra*, p. 601.]

59. In section 80, for the words “to be liable” shall be substituted the words “to have become liable”.

Amendment of section 80.

60. For section 82 shall be substituted the following section :—

[*Vide supra*, p. 602.]

New section substituted for section 82.

61. (1) For sub-section (1) of section 85 shall be substituted the following sub-section :—

[*Vide supra*, p. 603.]

Substitution of new sub-section for sub-sections (1) and (4) of section 85.

62. (1) In sub-section (1) of section 86, the words “owning or”, wherever they occur, shall be omitted, and for the word “fifteen” shall be substituted the word “twenty”.

Amendment of section 86.

(2) Sub-section (2) of the same section shall be re-numbered as section 86A, and the word "but" and the words "under this section" shall be omitted therefrom.

New section
substituted
for section 90.

63. For section 90 shall be substituted the following section :—

[*Vide supra*, p. 604.]

New sub-
section
substituted
for sub-
section (8) of
section 91.
Amendment
of section 92.

64 For sub-section (3) of section 91 shall be substituted the following sub-section :—

[*Vide supra*, p. 604.]

65. (1) From sub-section (1) of section 92 shall be omitted the last twenty-five words.

(2) In sub-section (3) of the same section, for the first nineteen words shall be substituted the words "A table of the tolls leviable shall be put up at every toll-bar, gate or station by the Municipal Council; such table shall be".

Amendment
of section 93.

66. In section 93 the word "street" shall be substituted for the word "road" wherever it occurs.

Amendment
of section 94.

67. In section 94, between the word "toll" and the word "in" shall be inserted the words "on behalf of the Municipal Council or, if the tolls have been farmed out, of the toll-farmer; such receipt shall be".

New section
substituted
for section 95.

68. For section 95 shall be substituted the following section :—

[*Vide supra*, p. 605.]

New sub-
section
substituted for sub-
section (1) of
section 96.

69. (1) For sub-section (1) of section 96 shall be substituted the following sub-section :—

[*Vide supra*, p. 606.]

Insertion of
new sections
after section
96.

70. After section 96 shall be inserted the five following sections :—

[*Vide supra*, p. 606.]

New section
substituted
for section 97.

71. For section 97 shall be substituted the following section :—

[*Vide supra*, p. 607.]

New section
substituted
for section 99.

72. For section 99 shall be substituted the following section :—

[*Vide supra*, p. 607.]

Amendment
of section 100.

73. In section 100, at the beginning, shall be inserted the following words :—

[*Vide supra*, p. 608.]

New section
substituted
for section
102.

74. For section 102 shall be substituted the following sections :—

[*Vide supra*, p. 608.]

(Secs. 75-83.)

75. For section 103 shall be substituted the following section :—
[*Vide supra*, p. 608.]

New section
substituted
for section
103.

76. For section 104 shall be substituted the following section :—
[*Vide supra*, p. 609.]

New section
substituted
for section
104.

77. For section 105 shall be substituted the following section :—
[*Vide supra*, p. 609.]

New section
substituted
for section
105.

78. In section 106, between the words “ subject to ” and the words “ the conditions ” shall be inserted the words “ the provisions of section 271 of the Code of Civil Procedure and to ”; after the word “ apparel ” shall be inserted the words “ and bedding ”; after the word “ cattle ” shall be inserted the words “ and seed-grain ”; for the word “ distress ” shall be substituted the word “ distraint ”; and, at the end of the section, shall be inserted the words “ on account of the tax, the warrant-fee and distraint-fee and the probable expenses incidental to the detention and sale of the said property.”

Amendment
of section 106.

79. For section 107 shall be substituted the following section :—
[*Vide supra*, p. 610.]

New section
substituted
for section
107.

80. (1) In sub-section (1) of section 108, at the beginning, shall be inserted the word, “ distraint ”, and the words “ upon distraints ” shall be omitted.

Amendment
of section
108.

(2) In sub-section (2) of the same section, for the words “ cost of maintaining any live-stock ” shall be substituted the words “ expenses incidental to the detention of any property ”.

81. For section 110 shall be substituted the following section :—
[*Vide supra*, p. 611.]

New section
substituted
for section
110.

82. For section 111 shall be substituted the following section :—
[*Vide supra*, p. 611.]

New section
substituted
for section
111.

Amendment
of section 113.

83. (1) In section 113, between the words “ within the municipalities in which they are raised ” and the words “ to the following purposes ” shall be inserted the words “ or, with the special sanction in each case of the Governor in Council, without the said municipalities ”.

(2) For clause (ii) of the same section shall be substituted the two following clauses, and clauses (iii), (iv) and (v) shall be re-numbered as clauses (iv), (v) and (vii) :—

[*Vide supra*, p. 612.]

(3) In clause (iv) as re-numbered, the words “ public libraries, reading-rooms, gymnasia, or any other institutions connected with the diffusion of education ” shall be inserted after the words “ maintenance of schools ” and before the word “ either ”.

(4) For clause (vi) of the same section shall be substituted the following clause :—

[*Vide supra*, p. 612.]

(5) In the same section the following shall be inserted as clause (viii) :—

[*Vide supra*, p. 613.]

and the proviso to the section shall be omitted.

New section substituted for section 114.

84. For section 114 shall be substituted the following section :—

[*Vide supra*, p. 613.]

Amendment of section 124.

85. In clause (ii) of section 124, for the words “primary schools” shall be substituted the words “schools maintained or aided from municipal funds”.

Amendment of section 131.

86. (1) In section 131, at the beginning, shall be inserted the figure “(1)” ; and at the end shall be added the words :—

[*Vide supra*, p. 617.]

New sub-section added.

(2) To the same section shall be added the following sub-section :—

[*Vide supra*, p. 617.]

Amendment of section 134.

87. From section 134 shall be omitted the words “more than” ; and, to the same section, at the end, shall be added the words “The Chairman may, in such municipality, direct the vaccination of any child under six months of age when it is exposed to infection in consequence of residence in a house infected by small-pox.”

Amendment of section 138.

88. (1) In sub-section (1) of section 138, for the words “whether all the” shall be substituted the word “which” ; for the words “have been vaccinated or are unprotected” shall be substituted the words “are unprotected ; and for the said purpose the Chairman may require any parent or guardian to forward to him within a specified time a list in writing signed by him of the number and ages of the children under his guardianship ;” for the words “procure the vaccination of such child or present it for inspection” shall be substituted the words “procure the vaccination or inspection of such child” ; and for the words “or (as the case may be) that it be presented for inspection” shall be substituted the words “or inspected, as the case may be”.

(2) In sub-section (2) of the same section, for the last twenty-two words shall be substituted the words “sentence such parent or guardian to pay a fine not exceeding fifty rupees.”

New sub-section substituted for sub-section (3).

(3) For sub-section (3) of the same section shall be substituted the following sub-section :—

[*Vide supra*, p. 619.]

(Secs. 89-98.)

(4) To the same section shall be added the following sub-section :—

[*Vide supra*, p. 619.]

New sub-section added.

89. In sub-section (2) of section 143, for the first seven words shall be substituted the words "All public water-courses and springs and all public"; and for the words "to any such works" shall be substituted the word "thereto".

Amendment of section 143.

90. For section 145 shall be substituted the following section :—

[*Vide supra*, p. 621.]

New section substituted for section 145.

91. (1) For sub-section (1) of section 147 shall be substituted the following sub-section :—

[*Vide supra*, p. 622.]

Amendment of section 147.

(2) Sub-section (3) of the same section is hereby repealed, and sub-sections (4) and (5) shall be re-numbered as sub-sections (3) and (4), respectively.

92. (1) In sub-section (1) of section 148, for the words "may enter upon any building or land" shall be substituted the words "may, at any time between sunrise and sunset, and after giving one hour's notice to the occupier of any building or land supplied with water under sub-section (1) of section 147, enter into or upon such building or land."

Amendment of section 148.

(2) In sub-section (2) of the same section the words "at any such time" shall be omitted; and, for the words "if necessary to prevent waste of water pending repair" shall be substituted the words "if it appears to the Chairman that, pending repair, waste of water cannot be otherwise prevented."

93. In section 149, for the word "used", wherever it occurs, shall be substituted the words "is used"; the words "by the Chairman" shall be omitted; and for the word "purpose" shall be substituted the word "purposes".

Amendment of section 149.

94. After section 149 shall be inserted the following section :—

[*Vide supra*, p. 623.]

Insertion of a new section after section 149.

95. From section 151 shall be omitted the last twenty-two words.

Amendment of section 151.

96. For section 152 shall be substituted the following section :—

[*Vide supra*, p. 624.]

New section substituted for section 152.

97. In sub-section (1) of section 153, for the words "Municipal Council" shall be substituted the word "Chairman"; and for the word "them" shall be substituted the word "him".

Amendment of section 153.

98. For section 154 shall be substituted the following section :—

[*Vide supra*, p. 624.]

New section substituted for section 154.

New section substituted for section 155.

99. For section 155 shall be substituted the following section :—

[*Vide supra*, p. 625.]

Amendment of section 156.

100. (1) In sub-section (1) of section 156, for the words "Municipal Council" shall be substituted the word "Chairman"; for the words "stream, channel", shall be substituted the words "water-course, spring"; after the word "drinking" shall be inserted the words "bathing or washing clothes"; for the words "any such well" shall be substituted the words "the same"; and for the word "they" shall be substituted the words "the Chairman".

Sub-section (2) replaced.

(2) For sub-section (2) of the same section shall be substituted the following sub-section :—

[*Vide supra*, p. 625.]

Amendment of section 158.

101. From sub-section (1) of section 158 shall be omitted the words "by a resolution passed".

Amendment of section 159.

102. In section 159, for the words "Municipal Council" shall be substituted the word "Chairman".

Amendment of section 161.

103. (1) In sub-section (3) of section 161, for the words "one month", wherever they occur, shall be substituted the words "two months".

Sub-section (4) replaced.

(2) For sub-section (4) of the same section shall be substituted the following sub-section :—

[*Vide supra*, p. 627.]

Amendment of section 163.

104. (1) In sub-section (1) of section 163, for the words "hereinafter provided" shall be substituted the words "provided in section 264".

(2) In sub-section (2) of the same section, for the words "and may" shall be substituted the words "and shall".

Substitution of three new sections for sections 164 and 165.

105. For sections 164 and 165 shall be substituted the three following sections :—

[*Vide supra*, p. 628.]

Amendment of section 166.

106. (1) In clause (ii) of section 166, for the words "owner of every building" shall be substituted the words "owner or occupier of any building".

(2) In clause (iii) of the same section, for the word "and" shall be substituted the word "or".

Amendment of section 167.

107. (1) In sub-section (1) of section 167, between the words "public street" and the words "shall be erected" shall be inserted the words "and no wall or fence bounding, or abutting on, any public street".

(2) In sub-section (2) of the same section, for the last fifteen words shall be substituted the words "within a time to be specified in such notice, so as not to open outwards".

108. From sub-section (1) of section 168 the words "before the coming into operation of this Act" shall be omitted.

Amendment
of section
168.

109. In sub-section (1) of section 169, for the first eleven words shall be substituted the words "Every person"; for the words "the same" shall be substituted the words "any building or land in a public street"; and for the words "the street" shall be substituted the words "such street".

Amendment
of section
169.

110. In section 170, for the words "Municipal Council" shall be substituted the word "Chairman"; and between the word "of" and the word "festivals" shall be inserted the word "fairs".

Amendment
of section
170.

111. In section 171, for the words "Municipal Council", wherever they occur, shall be substituted the word "Chairman", and the following proviso shall be added :—

Amendment
of section
171.

[*Vide supra*, p. 630.]

112. In sub-section (1) of section 172, for the ante-penultimate word "and" shall be substituted the words "or to".

Amendment
of section 172.

113. For section 173 shall be substituted the following section :—

[*Vide supra*, p. 631.]

New section
substituted
for section
173.

114. After section 173 shall be inserted the following section :—

[*Vide supra*, p. 631.]

Insertion of
a new section
after section
173.

115. In section 176, for the words "if known and within the municipality, and also the" shall be substituted the word "or"; for the words "to maintain and repair sufficient fences for, or trim the hedges of, such land" shall be substituted the words "to construct and maintain sufficient fences for such land, or to trim the hedges thereof"; and for the word "Councillors" shall be substituted the word "Council".

Amendment
of section 176.

116. From section 178 the last sentence, beginning with the words "provided always" shall be omitted.

Amendment
of section 178.

117. For section 180 shall be substituted the following section :—

[*Vide supra*, p. 632.]

New section
substituted
for section
180.

118. For section 181 shall be substituted the following section :—

[*Vide supra*, p. 634.]

New section
substituted
for section
181.

119. After section 181 shall be inserted the two following sections :—

[*Vide supra*, p. 634.]

Insertion of
two new sec-
tions after
section 181.

- Amendment of section 182. 120. In sub-section (1) of section 182, for the words " Municipal Council " shall be substituted the word " Chairman ".
- New section substituted for section 183. 121. For section 183 shall be substituted the following section :—
[*Vide supra*, p. 634.]
- Insertion of a new section after section 185. 122. After section 185 shall be inserted the following section :—
[*Vide supra*, p. 635.]
- Substitution of a new sub-section for sub-section (1) of section 186. 123. For sub-section (1) of section 186 the following shall be substituted :—
[*Vide supra*, p. 635.]
- New section substituted for section 188. 124. For section 188 shall be substituted the following section :—
[*Vide supra*, p. 636.]
- Amendment of section 189. 125. From section 189 shall be omitted the last twenty words.
- Amendment of section 190. 126. (1) In section 190, at the beginning, shall be inserted the figure " (1) " ; and between the word " cart-stand " and the word " or " shall be inserted the words " public landing-places ".
- New sub-sections added. (2) To the same section shall be added the following sub-sections :—
[*Vide supra*, p. 639.]
- Amendment of section 191. 127. In sub-section (2) of section 191, for the words " the flesh thereof " shall be substituted the words " any flesh intended for food ".
- Insertion of a new section after section 193. 128. After section 193 shall be inserted the following section :—
[*Vide supra*, p. 640.]
- Amendment of section 194. 129. (1) From sub-section (1) of section 194 shall be omitted the word " tolls " and also the words " by a resolution passed at a meeting determine to provide places within the municipality for the purpose of being used as public markets, and the Municipal Council may " ; and, in the same sub-section, for the words " such markets " shall be substituted the words " public markets ".
- (2) From sub-section (2) of the same section shall be omitted the words " determine to ".
- (3) In sub-section (3) of the same section for the words " Municipal Council " shall be substituted the word " Chairman ".
- New section substituted for section 196. 130. For section 196 shall be substituted the following section :—
[*Vide supra*, p. 641.]
- New section substituted for section 197. 131. For section 197 shall be substituted the following section :—
[*Vide supra*, p. 641.]

132. In section 200, for the words "any market for the sale of any animal or vegetable food or drink within the municipality" shall be substituted the words "any private market"; and between the words "construct such" and the word "drains" shall be inserted the words "approaches, entrances, passages, gates".

Amendment
of section
200.

133. (1) In sub-section (1) of section 201, for the words "during which such market or place is so opened or kept open" shall be substituted the words "on which he is convicted of having opened or kept open such market or place".

Amendment
of section
201.

(2) In sub-section (2) of the same section, between the word "any" and the word "market" shall be inserted the word "such".

134. In section 202, for the words "any market" shall be substituted the words "any private market in respect of which no license has been applied for, or any private market".

Amendment
of section
202.

135. (1) In sub-section (1) of section 204, for the words "Municipal Council" shall be substituted the word "Chairman"; and for the word "them" shall be substituted the word "him".

Amendment
of section
204.

(2) In sub-section (2) of the same section, for the words "Municipal Council" shall be substituted the word "Chairman"; the words "they or" shall be omitted; and for the last nine words shall be substituted the words "may cause them to be produced before any Magistrate".

(3) In sub-section (4) of the same section, for the words "upon the Municipal Council" shall be substituted the words "directing the Chairman"; and between the words "to pay to him" and the word "such" shall be inserted the words "from the municipal fund".

136. In section 205, for the words "Municipal Council" shall be substituted the word "Chairman"; and for the word "them" shall be substituted the word "him".

Amendment
of section
205.

137. After section 205 shall be inserted the following section :—
[*Vide supra*, p. 644.]

Insertion of a
new section
after section
205.

138. From section 208 shall be omitted the last twenty words.

Amendment
of section
208.

139. For section 209 shall be substituted the following section :—
[*Vide supra*, p. 645.]

New section
substituted
for section
209.

140. For sub-section (1) of section 210 shall be substituted the following sub-section :—

[*Vide supra*, p. 645.]

New sub-
section
substituted
for sub-section
(1) of section
210.

Amendment
of section
213.

141. In section 213, at the beginning, shall be inserted the words " Subject to the provisions of section 209 ".

Insertion of
two new
sections after
section 213.
Amendment
of section
214.

142. After section 213 shall be inserted the two following sections :—

[*Vide supra*, p. 646.]

143. In sub-section (2) of section 214, for the words " to alter, repair, cleanse and put the same in good order, in the manner required by the Municipal Council ", shall be substituted the words " to close or demolish it or to alter or repair it in such manner as the Municipal Council may think necessary ".

New sections
substituted
for sections
216 to 222.

144. For sections 216 to 222 inclusive shall be substituted the following sections :—

[*Vide supra*, p. 648.]

Amendment
of section 223.

145. In section 223, between the word " or " and the word " spills " shall be inserted the words " intentionally or negligently ".

Insertion of
new section
after section
225.
Amendment
of section 226.

146. After section 225 shall be inserted the following section :—

[*Vide supra*, p. 650.]

147. In sub-section (2) of section 226, for the words " each day after such date during which such overcrowding continues " shall be substituted " the words " every day after such date upon which he is convicted of having permitted such overcrowding to continue. "

New section
substituted
for section
227.

148. For section 227 shall be substituted the following section :—

[*Vide supra*, p. 651.]

Amendment
of section
228.

149. In sub-section (1) of section 228, for the words " or prove injurious to the health of the neighbourhood " shall be substituted the words " or to prove injurious to the public health ".

Insertion of a
new section
after section
228.

150. After section 228 shall be inserted the following section :—

[*Vide supra*, p. 651.]

Insertion of a
new section
after section
230.

151. After section 230 shall be inserted the following section :—

[*Vide supra*, p. 652.]

Amendment
of section
231.

152. (1) From sub-section (1) of section 231 shall be omitted the words " epidemic, endemic or " .

(2) From sub-section (3) of the same section, shall be omitted the words " owner or " where they first occur ; and, for the proviso to the same sub-section shall be substituted the following proviso :—

[*Vide supra*, p. 653.]

(Secs. 153-163.)

153. After section 231 shall be inserted the following section :—

[*Vide supra*, p. 653.]

Insertion of
a new section
after section
231.

154. (1) In sub-section (1) of section 232, for the word “ may ”, where it first occurs, shall be substituted the word “ shall ” ; and at the end shall be inserted the words “ or disinfected ”.

Amendment
of section
232.

(2) In sub-section (2) of the same section, between the word “ retain ” and the word “ infection ” shall be inserted the word “ such ; ” and, for the words “ may, in his discretion ”, shall be substituted the words “ shall on demand ”.

155. After section 232 shall be inserted the following section :—

[*Vide supra*, p. 653.]

Insertion of
new section
after section
232.

156. In section 233, before the word “ medical ”, where it first occurs shall be inserted the word “ certificated ”, and between the word “ practitioner ” and the word “ direct ” shall be inserted the words “ arrange for or ”.

Amendment
of section 233

157. After section 233 shall be inserted the three following sections :—

[*Vide supra*, p. 654.]

Insertion of
three new
sections after
section 233.
Amendment
of section
234.

158. In sub-section (1) of section 234, for the words “ may by a resolution at a meeting determine to ” shall be substituted the word “ shall ” ; and for the words “ or burning ” shall be substituted the words “ and burning ”.

159. From sub-section (2) of section 235 shall be omitted the words “ determine to ”.

Amendment
of section
235.

160. In section 238, for the word “ and ” shall be substituted the word “ or ”.

Amendment
of section
238.

161. In clause (iii) of section 241 the word “ Chairman ” shall be substituted for the words “ Municipal Council ”.

Amendment
of section
241.

162. After section 248 shall be inserted the following section :—

[*Vide supra*, p. 658.]

Insertion of
a new section
after section
248.

163. (1) In sub-section (1) of section 249, for the words “ and if ” shall be substituted the words “ or if ”, and at the end shall be inserted the words “ and whoever refuses or neglects so to sign or mark shall be liable to a fine not exceeding five rupees ”.

Amendment
of section
249.

(2) In sub-section (4) of the same section, between the word “ may ” and the word “ require ” shall be inserted the words “ on payment of a further fee of eight annas ” ; and the last sentence, beginning with the words “ A fee ”, shall be omitted.

New sub-section added.

(3) To the same section shall be added the following sub-section :—

[*Vide supra*, p. 659.]

Amendment of section 250.

164. (1) From sub-clause (v) of clause (a) of sub-section (1) of section 250 shall be omitted the word “ and ”, where it last occurs ; after the same sub-clause shall be inserted the following sub-clause :—

[*Vide supra*, p. 660.]

(2) In clause (c) of the same sub-section, before the word “ appointment ” shall be inserted the word “ qualifications ” ; and between the word “ suspension ” and the word “ and ” shall be inserted the word “ reduction ”.

(3) The word “ and ” at the end of clause (l) shall be omitted and the present clause (m) of the same sub-section shall be altered into clause (n), and the following inserted as clause (m) :—

“ (m) as to the interpellation of the Chairman by the Municipal Councillors ; and ”.

Sub-section (2) replaced.

(4) For sub-section (2) of the same section shall be substituted the following sub-section :—

[*Vide supra*, p. 661.]

Sub-section (3) replaced.

(5) For sub-section (3) of the same section shall be substituted the following sub-section :—

[*Vide supra*, p. 661.]

Insertion of a new section after section 250.

165. After section 250 shall be inserted the following section :—

[*Vide supra*, p. 661.]

Amendment of section 252.

166. To section 252, at the end, shall be added the words “ at the cost of the municipal fund ”.

Amendment of section 254.

167. In section 254, after the word “ Act ”, where it first occurs, shall be inserted the words “ or of any particular municipality or municipalities ” ; and, after the word “ Act ”, where it last occurs, shall be inserted the words “ or out of the funds of the particular municipality or municipalities concerned ”.

Substitution of a new clause for clause (iii) of sub-section (1) of section 255.

168. (1) For clause (iii) of sub-section (1) of section 255 shall be substituted the following clause :—

[*Vide supra*, p. 663.]

Amendment of sub-section (4) of section 255.

(2) From sub-section (4) of the same section shall be omitted the words “ until they are cancelled or altered ”.

Amendment of section 256.

169. (1) From sub-section (1) of section 256 shall be omitted the words “ in such manner as may in his or their opinion be sufficient for giving information to persons interested therein ”.

(Secs. 170-182.)

(2) In sub-section (2) of the same section, between the word " operation " and the word " until " shall be inserted the words " (unless the Governor in Council shall, for any special reason, otherwise direct) ".

170. From the proviso to section 260 shall be omitted the words " incorporated or registered " ; and at the end of the same proviso shall be added the words " unless he is a Director of such company ".

Amendment of section 260.

171. For section 261 shall be substituted the following section :—

[*Vide supra*, p. 665.]

New section substituted for section 261.

172. (1) For sub-sections (1) and (2) of section 262 shall be substituted the following sub-sections :—

[*Vide supra*, p. 665.]

New sub-sections substituted for sub-sections (1) and (2) of section 262.

(2) In sub-section (3) of the same section for the word " distress ", wherever it occurs, shall be substituted the word " distraint ".

Amendment of sub-section (3) of section 262.

173. For section 263 shall be substituted the following section :—

[*Vide supra*, p. 666.]

New section substituted for section 263.

174. (1) For section 264 shall be substituted the following section :—

[*Vide supra*, p. 666.]

New section substituted for section 264.

175. After section 264 shall be inserted the following section :—

[*Vide supra*, p. 667.]

Insertion of a new section after section 264.

176. For section 265 shall be substituted the following section :—

[*Vide supra*, p. 667.]

New section substituted for section 265.

177. After section 266 shall be inserted the following section :—

[*Vide supra*, p. 668.]

Insertion of a new section after section 266.

178. After section 267 shall be inserted the following section :—

[*Vide supra*, p. 668.]

Insertion of a new section after section 267.

179. For section 269 shall be instituted the two following sections :—

[*Vide supra*, p. 668.]

Two new sections substituted for section 269.

180. In section 270, for the last five words shall be substituted the words " credited to the municipal fund ; and no suit shall lie for recovery of any sum so credited ".

Amendment of section 270.

181. In sub-section (4) of section 271, between the word " shall " and the word " be " shall be inserted the words " in the absence from this Act of any distinct provision to the contrary ".

Amendment of section 271.

182. For sub-section (2) of section 272 shall be substituted the following sub-section :—

[*Vide supra*, p. 670.]

New sub-section substituted for sub-section (2) of section 272.

- Amendment of section 273.** 183. In sub-section (2) of section 273, for the words "during which he so continues to refuse" shall be substituted the words "upon which he is convicted of having continued so to refuse permission".
- Amendment of section 274.** 184. In sub-section (1) of section 274, for the words "Municipal Council" shall be substituted the words "Chairman or any person authorized by him in this behalf"; and the words "by themselves or their servants" be omitted.
- Amendment of section 275.** 185. (1) In sub-section (1) of section 275, for the words "Municipal Council or their servants" shall be substituted the words "Chairman or any person authorized by him in this behalf".
 (2) In sub-section (2) of the same section, for the words "Municipal Council" shall be substituted the words "Chairman or the person authorized by him as aforesaid"; for the words "hereby granted to them" shall be substituted the words "conferred by sub-section (1)"; and between the word "and" and the word "shall", where these words first occur, shall be inserted the words "the Municipal Council".
 (3) In sub-section (3) of the same section, for the words "Municipal Council make" shall be substituted the words "Chairman or the person authorized by him as aforesaid makes"; for the word "they" shall be substituted the word "he"; and for the word "their" shall be substituted the word "his".
- Amendment of section 276.** 186. In section 276, for the first five words shall be substituted the words "Whenever the Chairman or the Municipal Council shall have"; for the word "prohibit" shall be substituted the words "shall have prohibited"; and between the word "place" and the word "they" shall be inserted the words "he or".
- New clause substituted for clause (i) of sub-section (1) of section 277.** 187. For clause (i) of sub-section (1) of section 277 shall be substituted the following clause:—
[Vide supra, p. 672.]
- Amendment of section 278.** 188. In section 278, for the words "or their" shall be substituted the words "the Chairman, or the Municipal".
- Amendment of section 279.** 189. In section 279, for the figures "1870" shall be substituted the figures "1894".
- New section substituted for section 280.** 190. For section 280 shall be substituted the following section:—
[Vide supra, p. 672.]
- New section substituted for section 281.** 191. For section 281 shall be substituted the following section:—
[Vide supra, p. 673.]
- Addition of a sub-section to section 282.** 192. After sub-section (3) of section 282 shall be inserted the following sub-section:—
[Vide supra, p. 673.]

193. After section 282 shall be inserted the following section :—

[*Vide supra*, p. 673.]

Insertion of a
new section
after section
282.

194. In clauses (ii) and (iii) of sub-section (1) of section 284, for the word “ and ” shall be substituted the word “ or ”.

Amendment
of section 284.

195. (1) In sub-section (1) of section 286, for the word “ damage ” shall be substituted the word “ compensation ”; and between the word “ imposed ” and the word “ under ” shall be inserted the words “ or assessed by a Magistrate ”.

Amendment
of section
286.

(2) In sub-section (2) of the same section, between the word “ fine ” and the word “ or ”, wherever these words occur, shall be inserted the word “ compensation ”.

196. After section 289 shall be inserted the following section :—

[*Vide supra*, p. 675.]

Insertion of a
new section
after section
289.

197. For Schedule A shall be substituted the schedule hereto annexed.

[*Vide supra*, p. 676.]

Substitution
of a new sche-
dule for Sched-
ule A.

198. (1) In Schedules B and C, between the word “ springs ” and the word “ drawn ”, wherever these words occur, shall be inserted the words “ constructed to be ”.

Amendment
of Schedules
B and C.

(2) In the same schedules, after the word “ palanquin ” shall be inserted the words “ bicycle or tricycle ”.

(3) In the same schedules, the half-yearly rates shall be altered as follows :—

(i) for Rs. 9-0-0 read Rs. 10-0-0 ;

(ii) for Rs. 4-8-0 read Rs. 5-0-0 ;

(iii) for Rs. 1-8-0 read Rs. 2-0-0 ;

(iv) for Re. 0-8-0, where it first appears, read Re. 1-0 ; and

(v) for Re. 0-4-0, where it last appears, read Re. 0-8-0.

199. (1) From Schedule D the words “ drawn by men, buffaloes, bullocks, horses, asses ”, wherever they occur, shall be omitted.

Amendment
of Schedule
D.

(2) In the same schedule, after the word “ palanquin ” shall be inserted the words “ bicycle or tricycle ”.

(3) In the same schedule, for the fifth item shall be substituted the words “ on every buffalo, bull, bullock, cow or ass, laden or ridden, and on every horse, under thirteen hands ”.

(4) In the same schedule, from the sixth item shall be omitted the words laden or ridden ”.

(5) From the same schedule the seventh item shall be omitted.

(6) In the same schedule, the present explanation shall be numbered as “Explanation (1)” and the following explanation shall be added:—

Explanation (2).—Tolls are leviable upon vehicles at the above rates irrespective of the means of traction employed, and the payment of a toll in respect of any vehicle covers the animals engaged in drawing it.”

200. For Schedules E and F shall be substituted the schedules hereto annexed.

New schedules substituted for Schedules E and F.

SCHEDULE A (SECTION 47).

[*Vide supra*, p. 676.]

SCHEDULE E (SECTION 104).

[*Vide supra*, p. 681.]

SCHEDULE F (SECTION 105).

[*Vide supra*, p. 682.]

MADRAS ACT No. IV OF 1897.¹

[24th April, 1897 ; 7th June, 1897.]

An Act to amend the Law relating to Survey of Lands and Settlement of Boundary Disputes.

Preamble. WHEREAS it is expedient to consolidate and amend the law relating to survey of lands and settlement of boundary disputes ; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Title. 1. (1) This Act may be called the Madras Survey and Boundaries Act, 1897.

Local extent. (2) It extends to the whole of the Presidency of Madras.

Repeal. 2. Act XXVIII of 1860 and Madras Act II of 1884, and also so much of Regulation XII of 1816 as applies to cases of claims to lands or crops, the validity of which claims may depend upon the determination of an uncertain and disputed boundary or land-mark, are hereby repealed.

¹ For Statement of Object and Reasons, see Fort St. George Gazette, Supplement dated 26th January, 1897, p. 8 ; for Proceedings in Council, see *ibid* dated 9th March, 1897, p. 27 ; *ibid* dated 4th May, 1897, p. 47.

(Chapter I.—Preliminary. Sec. 3.)

3. In this Act, unless there is something repugnant in the subject or context,—

Interpreta-
tion-clause.

(i) “estate” means—

“Estate.”

(a) any permanently-settled estate, whether a zamindári, jágír, mitta or pálaiyam;

(b) any portion of such permanently-settled estate which has been separately registered in the office of the Collector;

(c) any unsettled pálaiyam or jágír;

(d) any ífám village of which the grant was made or has been confirmed by the British Government;

(e) any portion, consisting of one or more villages of any of the estates specified above in clauses (a), (b) and (c), which is held on a permanent under-tenure:

(ii) “Government land” means any land not forming an estate or any portion thereof:

“Government
land.”

(iii) “proprietor” means any person in whose name any estate is for the time being registered in the office of the Collector of the district wherein the estate is situated, and, in respect of an estate specified in clause (e) of sub-section (i), the holder thereof:

“Proprietor.”

¹[Provided that, when any person other than the proprietor is in lawful management of an estate or of a portion of an estate, such portion consisting of one or more villages, but is not in such management as agent or servant of the proprietor or as mortgagee or lessee, such person shall be deemed to be the proprietor of the estate or of the portion of the estate, as the case may be:]

(iv) “registered holder” means any person in whose name Government land is for the time being registered in the Collector’s register:

“Registered
holder.”

¹[Provided that, when any person other than the registered holder is in lawful management of Government land otherwise than as agent or servant of the registered holder or as mortgagee or lessee, such person shall be deemed to be the registered holder in respect of such Government land:]

(v) Where an estate or Government land is so registered in the names of two or more persons jointly, the proprietor or registered holder, as the case may be, shall, for the purposes of this Act, be the person who is recognized by the other joint holders as the manager of the estate or who, in case of dispute, is recognized by the Collector as senior joint holder:

“Proprietor”
or “registered
holder” in
case of joint
registration.

(vi) “survey” includes re-survey and demarcation:

“Survey.”

¹ These two provisos were added to sub-secs. (iii) and (iv) respectively of s. 3 by s. 2 of Mad. Act IV of 1900 *infra*, p. 1034.

(Chapter I.—Preliminary. Sec. 4. Chapter II.—The Survey of Government lands. Secs. 5-6.)

“Survey-mark.”

(vii) “survey-mark” means any mark or thing heretofore or hereafter made, erected or placed for the purpose of indicating survey points or lines above, on or below the surface of any land by or by order of any person duly authorized under any enactment for the time being in force to make a survey of such land or to settle the boundaries thereof.

Local Government to appoint and remove Survey-officers.

4. (1) The Local Government may appoint any person either by name or by virtue of his office to be a Survey-officer under this Act, and may dismiss, suspend or remove any person so appointed.

Local Government to prescribe local limits of Survey-officers.

(2) Subject to the control of the Local Government and of any superior officer or authority appointed by it in this behalf, every person so appointed shall exercise and perform the powers and duties of a survey-officer within such local limits as the Local Government may direct.

Local Government may delegate powers of control.

(3) The Local Government may delegate its powers under sub-section (1) to the Board of Revenue, and it may also delegate to the District Collector such power to be exercised by him for the purposes of section 23 only.

CHAPTER II.

THE SURVEY OF GOVERNMENT LANDS.

Local Government may direct survey of Government lands.

5. The Local Government may, by notification, direct the survey of any Government land.

Notification to be published by Survey-officer.

6. (1) When the survey of any Government land has been directed under section 5, the Survey-officer shall publish a notification inviting every person claiming to be interested in such land as registered holder or otherwise, to attend either in person or by agent at a specified place and time, and from time to time thereafter when called upon for the purpose of pointing out boundaries and supplying information in connection therewith.

Such notification to be valid notice to persons interested.

(2) A notification published under sub-section (1) shall be held to be a valid notice to every person having any interest in the land about to be surveyed.

Terms of such notification.

(3) Such notification shall further require all registered holders of the land about to be surveyed—

(a) to clear within a specified period, by cutting down or removing any trees, jungle, fences, standing crops, or other material obstructions,

(Chapter II.—The Survey of Government Lands. Secs. 7-10)

the boundaries or other lines the clearance of which may be necessary for the purposes of the survey ;

- (b) to provide labour at such times and for such periods as may from time to time be required by furnishing flag-holders and chainmen ; and
- (c) to provide suitable survey-marks and otherwise to give such assistance in the survey as may be demanded under this Act or the rules made thereunder.

7. (1) If any person fails to comply with any requisition of a Survey-officer made under clauses (a), (b) or (c) of sub-section (3) of section 6, the Survey-officer may employ hired labour for the purposes of the survey.

Employment of hired labour on failure of registered holders to assist in the survey. Costs to be charged to registered holders of lands surveyed.

(2) The Survey-officer shall, in accordance with such rules as the Local Government may prescribe, apportion the cost of such hired labour on the lands which have been surveyed, and charge the same to the registered holders thereof.

Provision of survey-marks.

8. If the registered holder of any land, which has been or is about to be surveyed, fails to provide suitable survey-marks to the satisfaction of the Survey-officer, such officer may himself provide or make such marks, and the cost of providing or making them shall be apportioned and charged as provided in sub-section (2) of section 7.

9. Notwithstanding anything contained in sub-section (3) of section 6 and in sub-section (1) of section 7, whenever it may appear to the District Collector to be desirable that the cost of all or any of the operations prescribed in clauses (a), (b) and (c) of sub-section (3) of section 6 shall be defrayed in the first instance by the Local Government, the Survey-officer may, in lieu of the notification prescribed in sub-section (3) of section 6, issue a notification that such cost will be defrayed in the first instance by the Local Government, and may thereupon proceed with the survey of the land and apportion and charge such cost in the manner prescribed by sub-section (2) of section 7.

Cost of survey-operations may be defrayed in the first instance by Local Government in certain cases.

10. The cost of hired labour under sub-section (1) of section 7 and of providing survey-marks under section 8 shall be defrayed in the first instance by the Local Government, but any sum charged under sections 7, 8 or 9 to the registered holder shall be recoverable from [the land] in the same manner as an arrear of land-revenue.

Recovery of charges incurred by Survey-officer.

Procedure
where bound-
ary is
undisputed.

11. (1) If, at the time of survey, a boundary is undisputed, the Survey-officer may order that it shall be laid down as pointed out by the registered holder or his agent.

Procedure
where
boundary is
disputed.

(2) If the registered holder is not present, or if the boundary is disputed, the Survey-officer shall order it to be laid down, as nearly as may be, in accordance with the village-records, or as ascertained from the village-officers and from such other evidence as the Survey-officer may be able to procure.

Order in
disputed cases
to be in
writing.

(3) The order passed by the Survey-officer in the case of any dispute under sub-section (2) shall be recorded in writing and the purport thereof communicated forthwith to the parties to the dispute, a copy of the order being furnished to them on their application and at their cost.

Completion
of demarca-
tion to be
notified.

(4) When the survey of any village or other defined local area forming part of the land under survey has been completed in accordance with the orders passed under sub-sections (1), (2) and (3), the Survey-officer shall notify the fact as soon as practicable thereafter.

Appeals
against
orders under
section 11.

12. (1) Notice of every order passed by the Survey-officer under section 11 shall be given to all registered holders the boundaries of whose holdings may be affected by the order, and an appeal from such order shall lie to the authority to whom the Survey-officer is immediately subordinate: Provided that it be filed,—

- (a) in the case of an order communicated under sub-section (3) of section 11, within three months of the date of the order;
- (b) in the case of any other order, within three months of the date upon which the notification prescribed by sub-section (4) of section 11 was published; and,
- (c) where an appeal is filed, notice shall be given by the appellate authority, in the case of an appeal preferred under clause (a), to the other parties to the dispute, and, in the case of an appeal preferred under clause (b), to all registered holders, the boundaries of whose holdings may be affected by the proceedings in appeal.

Appellate
decision to
be in writing.

(2) The decision of the appellate authority shall be recorded in writing and the purport thereof communicated forthwith to the parties concerned, a copy of the order being furnished to them on their application and at their cost.

Such order
or appellate
decision final
in certain

(3) The order of the Survey-officer, or, in the event of an appeal being filed, the decision of the appellate authority, shall be final, and there shall be no further appeal from such decision.

13. Any party to a boundary dispute before the Survey-officer, and any party to an appeal preferred under section 12 or to whom notice of such appeal is given, and any person claiming under any such party, deeming himself aggrieved by the order of the Survey-officer or by the decision of the appellate authority, as the case may be, may, subject to the provisions of Parts II and III of the Indian Limitation Act, 1877,¹ institute, within the period of one year from the date of such order or decision, a suit to establish the right which he claims in respect of the boundary of the property surveyed: Provided that, subject to the result of such suit, if any, such order or decision shall be conclusive as between the parties to the dispute or to the appeal, including those to whom notice of such appeal has been given, and those claiming under such parties or any of them.

Institution of a suit in Civil Court within one year to establish rights claimed in respect of the boundary of property surveyed.

Explanation.—Where parties litigate *bond fide* in respect of boundaries of property claimed in common for themselves and others, all persons interested in such boundary-dispute shall, for the purpose of this section, be deemed to claim under parties so litigating.

14. Subject to such rules as the Local Government may prescribe in this behalf, every registered holder of Government land shall be bound to maintain, renew and repair the survey-marks on or within the boundaries of his holding, and in default of his doing so within a prescribed period the Survey-officer or the Collector may, at the cost of the Local Government maintain, renew and repair such survey-marks, apportion the cost thereof, and recover such cost from the [land] as an arrear of land-revenue: Provided that the Local Government may from time to time exempt, by a notification, any local area from the operation of the former part of this section, and cancel such notification.

Raiyats responsible for the maintenance of survey-marks.

15. It shall be the duty of every village-headman and of every village-accountant—

Duties of village-officers in this respect.

- (a) to prevent the destruction, injury or alteration of any survey-mark on or within the limits of his jurisdiction; and,
- (b) when he becomes aware that any such mark has been destroyed, injured or altered, to report the fact to his immediate official superior or the nearest Survey-officer having jurisdiction.

¹ Printed, General Acts, Vol. III; see also the revised edition of the Act as modified up to 1st April, 1899.

² This word was substituted for the words "registered holder" by Md. Act IV of 1900, s. 3.

Order imposing charges to be communicated to persons affected.

16. (1) Every order of a Survey-officer or of a Collector imposing charges under sections 7, 8, 9 and 14 shall be recorded in writing and an account prepared in accordance therewith communicated forthwith to the persons affected; a copy of the order being supplied to them on their application and at their cost.

Appellate authority.

(2) An appeal against every such order shall lie to the authority to whom the officer passing it is immediately subordinate: Provided that it be filed within one month of the date of such order.

Order or appellate decision final.

(3) The order of the Survey-officer or Collector, if an appeal is not preferred, or, in the event of an appeal being filed, the decision of the appellate authority, shall be final.

CHAPTER III.

THE SURVEY OF ESTATES.

Local Government may direct survey of an estate in certain cases.

17. The Local Government may, by notification, direct the survey of any estate or portion of an estate,—

(a) on the application in writing of the proprietor of such estate, accompanied by a written statement of his consent to defray the whole cost of the survey, or,

(b) without such application for reasons to be recorded prior to the issue of such notification:

Proviso.

Provided that a survey commenced under clause (a) shall be stopped on the withdrawal by the proprietor of his application, unless the Local Government sees reason to direct the continuance of the survey in virtue of the power conferred on it by clause (b).

Procedure to be observed during survey.

18. Except as hereinafter provided in sections 19 and 20, the conduct of such survey and the proceedings of a Survey-officer shall, as far as may be, be regulated by the procedure laid down in Chapter II with regard to the survey of Government lands; and the provisions contained in that Chapter in regard to appeals from the order of a Survey-officer, the granting of copies thereof and the effect of such orders and of the decision passed in appeals therefrom, shall, as far as may be, apply to all orders passed by a Survey-officer under this Chapter and to the decisions passed in appeals against such orders.

Cost of survey recoverable from proprietor.

19. All costs incurred by the Local Government on account of a survey conducted under this Chapter shall be recoverable from * * * the estate, the

¹ The words "the proprietor of" were repealed by Mad. Act IV of 1900, s. 4.

(Chapter III.—The Survey of Estates. Secs. 20-21.)

whole or a part of which has been surveyed, in the same manner as an arrear of land-revenue :

Provided that the cost of a survey directed under clause (b) of section 17 shall be borne by the Local Government unless otherwise prescribed by any law for the time being in force.

20. (1) On the application of the proprietor of an estate under survey, the Local Government may direct the Survey-officer to apportion among the lands which have been surveyed the whole or a specified proportion of the cost of such survey : Provided that the cost so apportioned shall not exceed the amount which would be chargeable to such lands under sections 7, 8 and 9 if they were Government lands.

Local Government may direct apportionment of costs among lands surveyed.

(2) Such apportionment among the lands shall be made in accordance with such rules as the Local Government may prescribe and shall be subject to appeal in the manner prescribed in section 16.

Apportionment how made.

(3) The amount so apportioned shall be recoverable by the proprietor from the tenants concerned in the same manner as if it were an arrear of rent due by a tenant to his landlord.

Cost so apportioned recoverable by proprietor from tenants.

21. (i) When an estate or a portion of an estate has been surveyed in pursuance of a notification issued under section 17, the Survey-officer shall report the completion of the survey to the District Collector and to the proprietor, and the following consequences shall thereupon ensue :—

Consequences ensuing on completion of survey of an estate.

(ii) Subject to such rules as the Local Government may prescribe in this behalf, every tenant of the land surveyed shall be bound to maintain, renew and repair the survey-marks on or within the boundaries of his holding, and, in default of his doing so within a prescribed period, the Collector may, at the cost of the Local Government, maintain, renew and repair such survey-marks, and such cost shall be recoverable from the tenant in the same manner as an arrear of land-revenue.

Duty of tenants.

(iii) It shall be the duty of the headman and of the accountant of every village, the whole or a part of which has been surveyed —

Duty of village officers.

(a) to prevent the destruction, injury or alteration of any survey-mark on or within the limits of his village, and

(b) when he becomes aware that any such mark has been destroyed, injured or altered, to report the fact to the proprietor of the estate and to the Collector or to such officer subordinate to the Collector as the District Collector may from time to time direct.

(Chapter IV,—The Settlement of Boundary-disputes arising otherwise than in the Course of a Survey. Secs. 22-24.)

CHAPTER IV.

THE SETTLEMENT OF BOUNDARY-DISPUTES ARISING OTHERWISE THAN IN THE COURSE OF A SURVEY.

District Collector may direct settlement of boundary-dispute.

22. The District Collector may,—

- (a) of his own motion, or,
- (b) on the application of any of the disputants,

direct that any dispute, arising otherwise than in the course of a survey, as to the boundaries of any land, shall be decided under the provisions of this Act.

Officer by whom dispute may be settled.

23. (1) Unless the Local Government or the Board of Revenue appoints a Survey-officer under section 4 for the purpose of settling such dispute, the District Collector shall thereupon—

- (a) proceed to deal therewith himself, or,
- (b) if empowered under sub-section (3) of section 4, appoint one of his subordinates not below the rank of Deputy Tahsildár as Survey-officer to deal therewith.

(2) Any officer to whom any dispute is referred for disposal by the Collector under sub-section (1) may either dispose of it himself or refer it for disposal to any officer subordinate to himself not being below the rank of Deputy Tahsildár, and such subordinate officer shall be a Survey-officer for the purposes of this Act.

Inquiry regarding dispute.

24. (1) The District Collector or Survey-officer, as the case may be, shall after giving due notice of the time and place at which his inquiry will be held, proceed to investigate the claims of the various parties and record the evidence of all persons examined by him.

Decision and demarcation in accordance therewith.

(2) At the close of the investigation, he shall record in writing his decision and the reasons upon which it is based, and, after duly informing the parties of the same, and intimating to them the date on which he intends to demarcate according to his decision, shall proceed to mark out the requisite boundaries conformably therewith.

Completion of demarcation to be intimated to parties.

(3) The date on which the demarcation is completed shall be entered on the record of the case and forthwith communicated to the parties.

Decision when final.

(4) The decision so arrived at shall be final unless reversed or modified by the decree of a Civil Court: Provided that in the case of an order passed by an officer below the rank of a Collector such decision shall be submitted to the Collector, who after giving notice to the parties concerned and hearing them if they appear, shall either confirm it or pass such other order as he may deem fit.

(Chapter IV.—*The Settlement of Boundary-disputes arising otherwise than in the Course of a Survey.* Secs. 25-27. Chapter V.—*Miscellaneous.* Secs. 28-30.)

25. The provisions of section 13 shall apply, *mutatis mutandis*, in the case of any final decision passed under the preceding section.

26. (1) In the case of any dispute settled under the provisions of this Chapter, the costs of survey shall in the first instance be defrayed by the Local Government and shall then be apportioned by the District Collector or the Survey-officer, in accordance with such rules as the Local Government may prescribe, among the parties to the dispute; and the amount so apportioned to each party shall be recoverable from him as an arrear of land-revenue.

Recovery of cost of survey in cases of dispute settled under this Chapter.

(2) Appeals against orders passed under sub-section (1) shall be governed by the provisions of section 16.

27. The provisions of Chapters II or III, as the case may be, shall, so far as they relate to the maintenance, renewal and construction of survey-marks, apply to marks erected under this Chapter.

CHAPTER V.

MISCELLANEOUS.

28. For the purposes of any survey, inquiry or other proceeding under this Act, the Survey-officer or the District Collector or any of the subordinates of such officers, shall have power to enter upon, examine and measure any land under survey.

Power to enter upon and examine lands.

29. Any Survey-officer generally or specially authorized in that behalf, or the District Collector, or any officer to whom an appeal is preferred under any of the provisions of this Act, may, for the purposes of any survey, inquiry or other proceeding under this Act, summon and enforce the attendance of any person for giving evidence and for the production of documents or for the purpose of rendering assistance in the survey of any land in which such person has an interest; and the procedure prescribed in the Code of Civil Procedure¹ for summoning and enforcing the attendance of witnesses and for the recording of evidence shall be followed as far as it can be made applicable.

Power to summon witnesses and require production of documents.

XIV of 1882.

30. (1) The District Collector or Survey-officer may, with the consent of all the parties concerned, refer to arbitration any dispute as to a boundary.

Reference to arbitration.

XIV of 1882.

(2) The procedure laid down in Chapter XXXVII of the Code of Civil Procedure¹ shall thereupon apply as far as may be.

Procedure in such cases.

(3) The decision of the District Collector or the Survey-officer passed in accordance with such award shall be conclusive between the parties to such arbitration and those claiming under them.

¹ Printed, General Acts Vol. IV.

Proprietor or registered holder may recover expenses paid by him from the owner of the estate or Government land and may acquire a charge upon the land to that extent.

Mortgagee, lessee, tenant or owner or co-owner may pay charges payable by proprietor or registered holder.

Claim of mortgagee, tenant or lessee in such case.

Co-owner similarly to acquire a charge upon the land.

Local Government may make rules under the Act.

31. (i) A proprietor or registered holder of any estate or Government land under survey who incurs any expenses under this Act in respect of such survey, or from whom the expenses of such survey are recovered under this Act, shall, if he be not the owner thereof, acquire a charge on such estate or Government land to the extent of the expenses so incurred or recovered from him, with interest thereon at the rate of nine per cent. per annum : Provided that, if he be a co-owner of such estate or Government land, such charge shall extend only to so much of the amount of such expenses as is payable in respect of the shares of the other co-owners in such estate or Government land.

(ii) It shall be lawful for any person who is a mortgagee, lessee or tenant, or who is the owner or co-owner, or in good faith believes himself to be the owner or co-owner, of an estate or Government land under survey to pay the charges payable under this Act in respect of the survey of such estate or Government land, though he be not the proprietor or registered holder thereof.

(iii) A mortgagee making such payment shall be entitled to add the same to the principal money due under the mortgage at the rate of interest payable on the principal and, where no such rate is fixed, at the rate of nine per cent. per annum. And a lessee or tenant making such payment shall be entitled to deduct the same with interest at the rate of nine per cent. per annum from the rent then due, or thereafter becoming due, in respect of such estate or Government land.

(iv) A co-owner or a person who, in good faith, deems himself to be owner or co-owner, making such payment, shall acquire a charge on such estate or Government land for the amount so paid by him with interest thereon at the rate of nine per cent. per annum : Provided that in the case of a co-owner such charge shall extend only to so much of the amount paid as is due in respect of the shares of the other co-owners in such estate or Government land.

32. The Local Government may make rules consistent with this Act—

- (a) prescribing for different localities the unit of survey, the subdivisions thereof, and the description of the survey-marks ; and for the maintenance, renewal and repair of such marks ;
- (b) for the collection and record of any information in respect of any land which has been or is about to be surveyed ;
- (c) prescribing and limiting the powers and duties of officers conducting proceedings under this Act and for regulating their procedure ;
- (d) for the publication of all notifications issued under this Act, and for the issue and service of all orders, communications and notices to be issued, communicated, given or served under this Act ;

1898: Mad. Act I.] *Malabar Marriages. (Secs. 1-3.)*

- (e) for the apportionment of all charges directed to be apportioned by this Act ;
- (f) prescribing the fees payable for processes issued and copies granted under this Act ; and
- (g) generally for carrying out the purposes of this Act ;
- and all such rules shall be published in the Fort St. George Gazette and shall thereupon have the force of law.

33. No suit or other legal proceedings shall lie against any person for any-
thing in good faith done or purporting to be done under this Act.

Immunity for
acts done in
good faith or
purporting to
be so done.

MADRAS ACT No. I of 1898.¹

[30th November, 1897; 20th January, 1898.]

•An Act to amend the Malabar Marriage Act, 1896.

Mad. IV of
1896.

WHEREAS it is expedient to amend the Malabar Marriage Act, 1896; It is hereby enacted as follows :—

Preamble.

1. In section 8, for the words and figure “ under section 7 ” the words and figure “ made under sub-section (1) ” shall be substituted.

Amendment
of section 8.

2. To section 19 of the said Act shall be added the following :—

Addition to
section 19.

“ *Explanation.*—For the purposes of this section the Madras City Civil Court shall be deemed to be the Court of the District Munsif in respect of the area within the local limits for the time being of the ordinary original civil jurisdiction of the High Court of Madras.”

3. The said Act shall be construed as if the amendments made in it by sections 1 and 2 had been inserted at the time of the passing of the said Act.

Construction
clause.

¹ Short title, “ The Malabar Marriage (Amendment) Act, 1898 ”—*see* the Repealing and Amending Act, 1901 (XI of 1901).

For Statement of Objects and Reasons, *see* Fort St. George Gazette, Supplement dated 2nd November, 1897 ; for Proceedings in Council, *see* *ibid* dated 14th December, 1897, p. 19.

The Governor General's assent to this Act was published in the Fort St. George Gazette of 1st February, 1898.

MADRAS ACT No. II OF 1898.¹

[3rd February, 1898 ; 15th March, 1898.]

An Act to amend Madras Act II of 1886 (the Madras Harbour Trust Act).

Preamble.

WHEREAS it is expedient further to amend Madras Act II of 1886 (the Madras Harbour Trust Act) ; It is hereby enacted as follows :—

Amendment of section 45.

1. In section 45 of the said Act, for the words “ or dock ” the words “ dock, land or building ” shall be substituted.

MADRAS ACT No. III OF 1898.²

[31st May, 1898 ; 28th June, 1898.]

An Act to amend the Madras City Police Act, 1888.

Preamble.

WHEREAS it is expedient to amend the Madras City Police Act, 1888 ; It is hereby enacted as follows :—

Addition of proviso to section 5. Administration of police employed at railway-stations, etc., may be vested in the Inspector General of Police.

1. To section 5 of the said Act the following shall be added, namely :—

“ Provided that the Governor in Council may, by notification in the Fort St. George Gazette, which he may cancel or vary, at any time direct that the administration of such of the police within the City of Madras as are or may be employed at any railway-stations or on any railway premises or within the limits of any railway or part of any railway situated within the limits of the City of Madras, shall be vested in the Inspector General of Police, and from and after the issue of such notification the powers under this Act of the Commissioner and of his deputies or assistants in respect of such police shall cease, and the Inspector General of Police and under his control such officers as shall be appointed by the Governor in Council to be Superintendent or Assistant Superintendent of Railway Police, shall as regards such police exercise all the powers of the Commissioner of Police under this Act, save that the power conferred on the Commissioner by section 10 shall, in respect of such Police, be exercised by the Inspector General of Police alone.”

Mad. III of 1888.

¹ Short title, “The Madras Harbour Trust (Amendment) Act, 1898”—see the Repealing and Amending Act, 1901 (XI of 1901).

For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 19th October, 1897 ; for Proceedings in Council, see *ibid* dated 14th December, 1897, p. 14 ; and *ibid* dated 1st February, 1898, p. 12.

The Governor General's assent to the Act was published in the Fort St. George Gazette of 22nd March, 1898.

² Short title, “The Madras City Police (Amendment) Act, 1898”—see the Repealing and Amending Act, 1901 (XI of 1901).

For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 15th February, 1898, p. 1 ; for Proceedings in Council, see *ibid* dated 3rd May 1898, p. 37 ; and *ibid* dated 27th May, 1898, p. 13.

The Governor General's assent to this Act was published in the Fort St. George Gazette of 12th July, 1898.

(Part I.—Preliminary. Secs. 1-2.)

MADRAS ACT No. V OF 1898.¹

[9th July, 1898 ; 3rd August, 1898.]

An Act to declare the testamentary power of persons governed by the Marumakkatayam or the Aliyasantana law of inheritance ; and to provide rules for the execution, attestation, revocation and revival of the wills of such persons.

WHEREAS doubts have arisen regarding the testamentary power of persons governed by the Marumakkatayam or the Aliyasantana law of inheritance ; and whereas it is expedient to remove such doubts, and to provide rules for the execution, attestation, revocation and revival of the wills of such persons ; It is hereby enacted as follows :—

Preamble.

PART I.

PRELIMINARY.

1. (1) This Act may be called the Malabar Wills Act, 1898. Short title.
- (2) It extends to the whole of the Presidency of Madras ; and Local extent.
- (3) It shall come into force on such date ² as the Local Government by notification shall appoint in this behalf : Commencement.

Provided that nothing in this Act shall be deemed to affect the Hindu Wills Act, 1870.³

2. In this Act, unless there be something repugnant in the subject or context,— Interpretation-clause.

(1) “ minor ” means any person who shall not have completed the age of eighteen years :

(2) “ will ” means any legal declaration of the intentions of the testator with respect to his property which he desires to be carried into effect after his death :

(3) “ codicil ” means an instrument made in relation to a will and explaining, altering or adding to its dispositions. It is considered as forming an additional part of the will.

¹ For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 24th November, 1896, p. 2 ; for Report of the Select Committee, see *ibid* dated 8th May, 1898 ; for Proceedings in Council, see *ibid* dated 12th January, 1897, p. 23 ; *ibid* dated 9th March, 1897, p. 45 ; *ibid* dated 1st February, 1898, p. 13 ; *ibid* dated 3rd May, 1898, p. 34 ; *ibid* dated 12th July, 1898, p. 8.

The Governor General's assent to this Act was published in the Fort St. George Gazette dated 16th August, 1898.

² The Act came into force on 2nd September, 1898—see Fort St. George Gazette, 1898, Pt. I, p. 818, Notification No. 421, 2nd September, 1898.

³ Printed, General Acts, Vol. 11.

(Part II.—Of Wills. Secs. 3-7. Part III.—Of the Execution, Attestation, Revocation, Alteration and Revival of Wills. Secs. 8-9.)

PART II.

OF WILLS.

Persons to whom this Part shall apply.

3. This Part shall apply to persons domiciled in the Presidency of Madras who are governed by the Marumakkatayam or the Aliyasantana law of inheritance.

Persons capable of making wills.

4. Every person of sound mind and not a minor may by will dispose of property which he could legally alienate by gift *inter vivos* and shall be deemed to have been always competent so to dispose of such property.

Explanation I.—Persons who are deaf or dumb or blind are not thereby incapacitated for making a will, if they are able to know what they do by it.

Explanation II.—One who is ordinarily insane may make a will during an interval in which he is of sound mind.

Explanation III.—No person can make a will while he is in such a state of mind whether arising from drunkenness or from illness or from any other cause that he does not know what he is doing.

Will obtained by fraud, coercion or importunity.

5. A will or any part of a will, the making of which has been caused by fraud or coercion, or by such importunity as takes away the free agency of the testator, is void.

Will may be revoked or altered, Saving clause.

6. A will is liable to be revoked or altered by the maker of it at any time when he is competent to dispose of his property by will.

7. Nothing contained in section 4 shall—

- (a) affect any right established before the commencement of this Act by a final decree of a Court of competent jurisdiction ;
- (b) authorize a testator to deprive any persons of any right of maintenance of which, but for section 4, he could not deprive them by will ;
- (c) affect any law of intestate succession or authorize any testator to create in property any interest which he could not have created prior to this Act.

PART III.

OF THE EXECUTION, ATTESTATION, REVOCATION, ALTERATION AND REVIVAL OF WILLS.

Persons to whom this Part shall apply.

8. This Part shall apply to persons governed by the Marumakkatayam or the Aliyasantana law of inheritance, whether they are domiciled in the Presidency of Madras or not.

Execution of wills and codicils.

9. All wills and codicils made on or after the date of the commencement of this Act within the Presidency of Madras, and all such wills and codicils made

(Part III.—Of the Execution, Attestation, Revocation, Alteration and Revival of Wills. Secs. 10-14.)

outside the said Presidency so far as relate to immoveable property situated within the said Presidency, must be executed according to the following rules:—

1st.—The testator shall sign or shall affix his mark to the will, or it shall be signed by some other person in his presence and by his direction.

2nd.—The signature or mark of the testator, or the signature of the person signing for him, shall be so placed that it shall appear that it was intended thereby to give effect to the writing as a will.

3rd.—The will shall be attested by two or more witnesses, each of whom must have seen the testator sign or affix his mark to the will, or have seen some other person sign the will in the presence and by the direction of the testator, or have received from the testator a personal acknowledgment of his signature or mark, or of the signature of such other person; and each of the witnesses must sign the will in the presence of the testator, but it shall not be necessary that more than one witness be present at the same time, and no particular form of attestation shall be necessary.

10. If a testator, in a will or codicil duly attested, refers to any other document then actually written, as expressing any part of his intentions, such document shall be considered as forming a part of the will or codicil in which it is referred to.

Incorporation of papers by reference.

11. No person, by reason of interest in, or of his being an executor of, a will, is disqualified as a witness to prove the execution of the will or to prove the validity or invalidity thereof.

Witness not disqualified by interest or by being executor.
Revocation of will or codicil.

12. No will or codicil, nor any part thereof, shall be revoked otherwise than by another will or codicil, or by some writing declaring an intention to revoke the same and executed in the manner in which a will is hereinbefore required to be executed, or by the burning, tearing or otherwise destroying the same by the testator, or by some person in his presence and by his direction, with the intention of revoking the same.

13. No obliteration, interlineation or other alteration made in any will after the execution thereof shall have any effect, except so far as the words or meaning of the will shall have been thereby rendered illegible or undiscernible, unless such alteration shall be executed in like manner as hereinbefore is required for the execution of the will; save that the will, as so altered, shall be deemed to be duly executed if the signature of the testator and the subscription of the witnesses be made in the margin or on some other part of the will opposite or near to such alteration, or at the foot or end of or opposite to a memorandum referring to such alteration, and written at the end or some other part of the will.

Effect of obliteration, interlineation or alteration in a will.

14. No will or codicil, nor any part thereof, which shall be in any manner revoked, shall be revived otherwise than by the re-execution thereof, or by

Revival of a will or codicil.

(Part III.—Of the Execution, Attestation, Revocation, Alteration and Revival of Wills. Sec. 15.)

Municipalities. (Sec. 1.)

[1899 : Mad. Act I.

City of Madras Municipality. (Sec. 1.)

[1899 : Mad. Act II.

a codicil executed in manner hereinbefore required, and showing an intention to revive the same; and when any will or codicil, which shall be partly revoked and afterwards wholly revoked, shall be revived, such revival shall not extend to so much thereof as shall have been revoked before the revocation of the whole thereof, unless an intention to the contrary shall be shown by the will or codicil.

Execution and revocation of will or codicil by soldiers or mariners.

15. No will or codicil made by a soldier employed in an expedition or engaged in actual warfare or by a mariner at sea and no revocation by such person of his will or codicil shall be deemed invalid by reason only of such will, codicil or revocation not being made in accordance with the provisions of this Part.

MADRAS ACT No. I of 1899.¹

[12th February, 1899; 1st March, 1899.]

An Act to amend Madras Act IV of 1884.

Preamble.

WHEREAS it is expedient to amend Madras Act IV of 1884 (the Madras District Municipalities Act, 1884); It is hereby enacted as follows:—

Amendment of section 191.

1. In sub-section (2) of section 191 of the said Act, the words “or fish” shall be inserted after the words “any flesh,” and the following words shall be added as a proviso to the said sub-section:—

“Provided that no license shall be required for a place used for the selling or storing for sale of preserved flesh or fish contained in air-tight and hermetically sealed receptacles.”

MADRAS ACT No. II of 1899.²

[14th April, 1899; 1st May, 1899.]

An Act to amend Madras Act I of 1884.

Preamble.

WHEREAS it is expedient to amend Madras Act I of 1884 (the City of Madras Municipal Act, 1884); It is hereby enacted as follows:—

Amendment of section 44.

1. In section 44 of the said Act, for the word “four” shall be substituted the word “five”.

¹ Short title, “The Madras District Municipalities (Amendment) Act, 1899”—*see* the Repealing and Amending Act, 1901 (XI of 1901).

For Statement of Objects and Reasons, *see* Fort St. George Gazette, Supplement dated 20th December, 1898; for Proceedings in Council, *see* *ibid* dated 14th February, 1899, p. 6.

The Governor General's assent to this Act was published in the Fort St. George Gazette dated 14th March, 1899.

² Short title, “The Madras City Municipal (Amendment) Act, 1899”—*see* the Repealing and Amending Act, 1901 (XI of 1901).

For Statement of Objects and Reasons, *see* Fort St. George Gazette, Supplement dated 21st February, 1899, p. 2; for Proceedings in Council, *see* *ibid* dated 28th March 1899, p. 40; and *ibid* dated 16th May, 1899, p. 53.

The Governor General's assent to this Act was published in the Fort St. George Gazette dated 9th May, 1899.

1899: Mad. Act II.] *City of Madras Municipality. (Secs. 2-3.)* 1021

1899: Mad. Act III.] *Registration of Births and Deaths. (Secs. 1-4.)*

2. In section 165 of the said Act the words "three rupees" shall be substituted for the words "two rupees".

Amendment
of section 165.

3. For Schedules B and C appended to the said Act shall be substituted the schedules hereto annexed.

Substitution
of new sched-
ules for Sched-
ules B and C.

SCHEDULE B (REFERRED TO IN SECTION 153).

[*Vide supra*, p. 540.]

SCHEDULE C (REFERRED TO IN SECTION 156).

[*Vide supra*, p. 541.]

MADRAS ACT No. III OF 1899.¹

[*3rd April, 1899 ; 3rd May, 1899.*]

An Act to make provision for the Registration of Births and Deaths in Rural Tracts.

WHEREAS it is expedient to make provision for the registration of births and deaths in rural tracts ; It is hereby enacted as follows :—

Preamble.

1. This Act may be called the Madras Registration of Births and Deaths Act, 1899.

Title.

2. The Local Government may, by notification, extend this Act, or any portion thereof, to any local area beyond the limits of the city of Madras and of the municipalities constituted under the Madras District Municipalities Act, 1884, and may also by notification exclude any such local area from the operation of the Act or any portion thereof.

Extension
and with-
drawal of
Act.

Mad. IV of
1884.

3. In this Act, unless there is something repugnant in the subject or context,—

Interpreta-
tion-clause.

"village" means any local area which for purposes of revenue-administration is now recognised as a village, or which may hereafter be declared by the Local Government to be a village, and in which local area this Act or any portion thereof is in force :

"Village."

"registrar" means a person appointed registrar of births and deaths under section 5 of this Act.

"Registrar."

4. On the publication of a notification under section 2 extending this Act or any portion thereof to any local area, the District Collector shall cause to

District
Collector to
proclaim that

¹ For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 22nd November, 1898 ; for Proceedings in Council, see *ibid* dated 20th December, 1898, p. 15 ; and *ibid* dated 24th March, 1899, p. 16.

The Governor General's assent to this Act was published in the Fort St. George Gazette dated 8th June, 1899.

registration
will be
compulsory.

be proclaimed in the vernacular language by notices posted at the village chavadi or other conspicuous place and by beat of drum in every village within the area so notified and by publication in the District Gazette the date from which registration of births and deaths will be compulsory in the said area.

Appointment
of registrars.

5. (1) On the publication of such notification, the Collector shall appoint a person either by name or by virtue of any office he may hold to be registrar of births and deaths for each village, or may if he sees fit divide any village into wards and appoint a person either by name or by virtue of any office he may hold to be registrar of births and deaths for each ward.

Registrars to
keep registers
in the pre-
scribed form.

(2) Every registrar so appointed shall keep in the prescribed form a register of births and deaths for his village or ward, as the case may be.

Registrars to
live in their
village or
wards.

6. Every such registrar shall, unless otherwise expressly authorised by the Collector in writing, reside within the village or ward of which he is the registrar, and shall cause his name, with the addition of registrar of births and deaths for the village or ward for which he is so appointed, written in the vernacular language, to be placed in some conspicuous place on or near the outer door of his office.

District
Collector to
have registers
printed and
supplied.

7. (1) The District Collector shall cause to be printed and supplied a sufficient number of register-books for making entries of births and deaths according to such forms and instructions as may, from time to time, be prescribed by the Local Government.

Copy of such
forms to be
posted in the
office of the
registrar.

(2) A copy of such forms in the vernacular language shall be posted in some conspicuous place on or near the outer door of the office of every registrar.

Information
of birth to be
given within
two weeks.

8. The father of every child or, in case of the death, illness, absence or inability of the father, the midwife assisting at the birth, and in her default every adult male member of the family resident in the house in which the child was born and any person having charge of the child, or in default of the above the mother, shall, within two weeks next after the day of such birth, give or cause to be given, either orally or in writing, information to the registrar, according to the best of his knowledge and belief, of the several particulars required to be entered in the forms prescribed under section 7 :

Provisos.

Provided that a person not required to give information in the first instance but only in default of some other person shall not be bound to give information under this Act if he had reasonable cause to suppose that the information had been or would be duly given by such other person :

Provided also that, in the case of an illegitimate child, it shall in the first instance be the duty of the mother of such child to give information under this

Act, and no person shall, as father of such child, be required to give information under this Act concerning the birth of such child, and the registrar shall not enter in the register the name of any person as father of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and unless such person shall sign the register together with the mother.

9. In case any new-born child is found exposed, it shall be the duty of any person finding such child and of any person in whose charge such child may be placed to give, to the best of his knowledge and belief, to the registrar, within seven days after the finding of such child, such information of the particulars required to be registered concerning the birth of such child as the informant possesses.

Information to be given respecting new-born child found exposed.

10. The nearest adult male relative present at the death, or in attendance during the last illness, of any person dying in a village, or, in case of the default of such relative, every adult male person present at the death, or, in case of their default, the occupier of the house, or in his default every adult male person living in the house in which such death has happened, or, in case of the default of such inmate, the person undertaking the disposal of the corpse shall, within four days from the date of death, give or cause to be given, either orally or in writing, information to the registrar, according to the best of his knowledge and belief, of the several particulars required to be entered in the forms prescribed under section 7:

Information of death to be given within four days

Provided that a person not required to give information in the first instance, but only in default of some other person, shall not be bound to give information under this Act if he had reasonable cause to suppose that the information had been or would be duly given by such other person.

11. In case any person is found dead in a village under circumstances not covered by section 10, it shall be the duty of the head of the village to give forthwith, to the best of his knowledge and belief, to the registrar, such information of the particulars required to be registered concerning such death as the informant possesses.

Head of the village bound to give information regarding other deaths.

12. Notwithstanding anything contained in sections 8 and 10 of this Act,—

(1) in case of a child being born or of a person dying in any hospital, it shall be the duty of the medical officer in charge forthwith to send to the registrar a notice in writing of the occurrence of such birth or death containing the several particulars required to be entered in the forms prescribed under section 7;

In case of births and deaths in hospital, Medical officer in charge to send notice to the registrar.

In case of births and deaths in choultries, etc., keeper or person in charge to give the information required. A person giving oral information to write his name in the register.

- (2) in case of a child being born or of a person dying in any choultry, chhatram, hotel, boarding-house, lodging-house, tavern, arrack or toddy shop or place of public resort, it shall be the duty of the owner, keeper or person in charge thereof to give the information required under sections 8 and 10 in the manner specified therein within forty-eight hours of the birth or death, as the case may be.

13. Every person who has orally given to a registrar any information required under this Act shall write in the register his name, description and place of abode, and, if he cannot write, shall put his mark in the register to his name, description and place of abode, these particulars being in such case entered by the registrar.

When registrar to give extract, free of charge

14. The registrar shall, as soon as the registration of the birth of a child has been completed, give, on application, free of all charge, to the person who gives information of the birth an extract under his hand from the register relating to such birth.

Registrar to register information without fee or reward and inform himself of every birth and death.

15. Every registrar shall without fee or reward register all information furnished to him under sections 8 to 13, and it shall also be his duty to inform himself carefully of every birth and of every death which takes place in his village or ward, and he shall ascertain and register, as soon as conveniently may be after the event, the particulars required to be registered according to the forms prescribed under section 7 touching every such birth and death, as the case may be, which has not already been registered.

Entry of name of child.

16. When the birth of any child has been registered without name, the parent or guardian of such child may, within twelve months next after the registration of birth, require the registrar to enter in the register the name of such child; and the registrar shall thereupon enter the name, and shall initial and date the entry.

Search of birth and death registers.

17. Subject to any rules which the Local Government may make under section 20, any person may at all reasonable times, on payment of a fee of four annas for each visit, search any register of births and deaths, and may on payment of a further fee of four annas obtain an extract from such register relating to any birth or death registered therein.

All extracts given under this section shall be certified as provided in section 76 of the Indian Evidence Act, 1872,¹ I of 1872, and may be produced in proof of the entries of which they purport to be copies.

¹ Printed, General Acts, Vol. II; see also the revised edition of the Act as modified up to 1st April, 1899.

(Secs. 18-20.)

18. Any person who—

- (1) fails without reasonable cause to give any information which it is his duty to give under sections 8, 9, 10, 11 and 12 of this Act ; or
- (2) gives, or causes to be given, for the purpose of being inserted in any register of births or deaths, any information which is false and which he knows or believes to be false touching any of the particulars required to be known and registered ; or
- (3) refuses to write his name, description and place of abode or to put his mark in the register if required by section 13 ;

Penalty for omission to give information, etc.

shall, on conviction before a Magistrate, be liable to a fine not exceeding ten rupees.

19. (1) No prosecution in respect of any offence punishable under this Act shall be instituted except under the order of the Tahsildár having jurisdiction over the village in which the offence was committed or of an officer to whom the Tahsildár is subordinate.

Prosecutions not to be instituted except under the order of a Tahsildár or an officer superior to him.

The District Collector or any officer generally or especially empowered by him in this behalf may stay such prosecution.

(2) In prosecutions for offences under the provisions of this Act, the accused person may appear by an agent and may of right be defended by an agent :

Accused persons may appear and be defended by agents.

Provided that the Magistrate may at any stage of the proceedings, for reasons to be recorded in writing, direct the personal attendance of the accused.

20. The Local Government may, after previous publication, make rules—

- (1) prescribing the forms of registers of births and deaths required to be kept under this Act ;
- (2) for the inspection and examination of the registers maintained under section 5 ;
- (3) for the conduct of the duties of the registrar during his absence on other duty or on account of illness or other cause ;
- (4) for the custody, production and transfer of the registers and other records kept by registrars ;
- (5) for the correction of clerical errors which may be discovered in the registers of births or registers of deaths ;
- (6) generally to carry out the provisions of this Act.

Power of Local Government to frame forms and make rules.

MADRAS ACT No. IV OF 1899.¹

[22nd June, 1899; 3rd July, 1899.]

An Act to amend Madras Regulation V of 1804.

Preamble.	WHEREAS it is expedient further to amend Madras Regulation V of 1804. It is hereby enacted as follows :—
Construction.	1. This Act shall be read with and taken as part of the Regulation aforesaid.
Amendment of section 2.	2. (1) In section 2 of the said Regulation, after the words “from administering their own affairs” the following shall be added, namely :— “or belonging to persons as to whom the Governor in Council has declared on their own application that they are incapacitated, and that it is expedient in the public interests that their property shall be managed by the Court of Wards.” (2) In the first proviso to section 2 of the said Regulation, between the words “shall not” and “proceed” insert the following, namely, “in the case of persons incapacitated by minority, sex or natural infirmity,” and in the same proviso, for the words “the persons or the property of incapacitated persons” substitute the words “such persons or their property”.
Insertion of a new section after section 5.	3. After section 5 of the said Regulation the following section shall be inserted :— [<i>Vide supra</i> , p. 30.]
Amendment of section 15.	4. In section 15 of the said Regulation, the words “incapacitated persons” shall be substituted for the word “minors”.
Substitution of a new clause for the first clause of section 19.	5. For the first clause of section 19 of the said Regulation, substitute the following :— [<i>Vide supra</i> , p. 35.]
Substitution of a new clause for the first clause of section 23.	6. For the first clause of section 23 of the said Regulation, substitute the following :— [<i>Vide supra</i> , p. 38.]
Insertion of new sections after section 27.	7. After section 27 of the said Regulation, insert the following sections :— [<i>Vide supra</i> , p. 39.]

¹ Short title, “The Madras Court of Wards (Amendment) Act, 1899”—see the Repealing and Amending Act, 1901 (VI of 1901).

For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 31st January, 1899, p. 4; for Proceedings in Council, see *ibid* dated 16th May, 1899, p. 55; and *ibid* dated 1st August, 1899, p. 16.

The Governor General's assent to this Act was published in the Fort St. George Gazette dated 4th July, 1899.

MADRAS ACT No. I OF 1900.¹

[14th December, 1899 ; 3rd January, 1900.]

An Act to secure to Tenants in the Malabar District compensation for improvements.

WHEREAS it is expedient to amend the law relating to compensation for improvements made by tenants in the Malabar District ; It is hereby enacted as follows :—

Preamble.

1. This Act may be called the Malabar Compensation for Tenants' Improvements Act, 1899 ; and it shall be applicable to the whole of the Malabar District.

Short title and local extent.

2. [Repeal of Act I of 1887.] *Rep. by the Repealing and Amending Act, 1901 (XI of 1901).*

3. In this Act, unless there is something repugnant in the subject or context,—

Interpretation-clause.

(1) "tenant," with its grammatical variations and cognate expressions, includes a person who as lessee, sub-lessee, mortgagee or sub-mortgagee or in good faith believing himself to be lessee, sub-lessee, mortgagee or sub-mortgagee of land is in possession thereof, or who, with the *bond fide* intention of attorning and paying the customary rent to the person entitled to cultivate or let waste-land, but without the permission of such person, brings such land under cultivation and is in occupation thereof as cultivator :

"Tenant."

(2) "ejectment " includes redemption or recovery of possession of land mortgaged :

"Ejectment."

(3) "improvement " means any work or product of a work which adds to the value of the holding, is suitable to it and consistent with the purpose for which the holding was let, mortgaged or occupied.

"Improvement."

4. Until the contrary is shown the following works or the products of such works shall be presumed to be improvements for the purposes of this Act :—

What are presumed to be improvements.

(a) the erection of dwelling-houses, buildings appurtenant thereto, and farm buildings ;

(b) the construction of tanks, wells, channels, dams and other works for the storage or supply of water for agricultural or domestic purposes ;

¹ For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 13th December, 1898 ; for Report of the Select Committee, see *ibid* dated 1st August, 1899, p. 1 ; for Proceedings in Council, see *ibid* dated 14th February, 1899, p. 9 ; and *ibid* dated 12th December, 1899, p. 10.

The Governor General's assent to this Act was published in the Fort St. George Gazette dated 9th January, 1900.

- (c) the preparation of land for irrigation ;
- (d) the conversion of one-crop into two-crop land ;
- (e) the drainage, reclamation from rivers or other waters, or protection from floods, or from erosion or other damage by water, of land used for agricultural purposes, or of waste land which is culturable ;
- (f) the reclamation, clearance, enclosure or permanent improvement of land for agricultural purposes ;
- (g) the renewal or re-construction of any of the foregoing works, or alterations therein or additions thereto ;
- (h) the planting or protection and maintenance of fruit-trees, timber-trees and other useful trees and plants.

Tenant
entitled to
compensation
on ejectment.

5. (1) Every tenant shall on ejectment be entitled to compensation for improvements which have been made by him, his predecessor in interest, or by any person not in occupation at the time of the ejectment who derived title from either of them, and for which compensation has not already been paid ; and every tenant to whom compensation is so due shall, notwithstanding the determination of the tenancy or the payment or tender of the mortgage-money (if any), be entitled to remain in possession until ejectment in execution of a decree or order of Court.

(2) A tenant so continuing in possession shall during such continuance hold as a tenant subject to the terms of his lease or of the mortgage, as the case may be.

Decree in
ejectment to
be conditional
on payment
of amount of
compensation
ascertained
under this
Act or the
difference
between it
and the
amount, if
any,
adjudged to
the plaintiff
from the
defendant.

6. (1) In a suit for ejectment instituted against a tenant in which the plaintiff succeeds and the defendant establishes a claim for compensation due under section 5 for improvements, the Court shall ascertain as provided in sections 9 to 18 the amount of the compensation and shall pass a decree declaring the amount so found due and ordering that, on payment by the plaintiff into Court of the amount so found due and also the mortgage-money (if any), the defendant shall put the plaintiff into possession of the land with the improvements thereon.

(2) If in such suit the Court finds any sum of money due by the defendant to the plaintiff for rent or otherwise in respect of the tenancy, the Court shall set-off such sum against the sum found due under sub-section (1), and shall pass a decree declaring as the amount payable to him on ejectment the amount (if any) remaining due to the defendant after such set-off.

Compensation
for subse-
quent im-
provements

(3) The amount of compensation for improvements made subsequent to the date up to which compensation for improvements has been adjudged in

the decree, and the re-valuation of an improvement for which compensation has been so adjudged, when and in so far as such re-valuation may be necessary, with reference to the condition of such improvement at the time of ejectment as well as any sum of money accruing due to the plaintiff subsequent to the said date for rent or otherwise in respect of the tenancy, shall be determined by order of the Court executing the decree and the decree shall be varied in accordance with such order.

and re-valuation, if necessary, of improvements at the time of ejectment.

(4) Every matter arising under sub-section (3) shall be deemed to be a question relating to the execution of a decree within the meaning of clause (e) of section 244 of the Code of Civil Procedure¹.

XIV of 1882.

7. Whenever a Court passes a decree or order for ejectment against a tenant and such tenant has erected any building, constructed any work or planted any tree which the Court finds is not an improvement for which compensation can be claimed, but which the Court finds can be removed without substantial injury to the holding, such tenant may remove such building, work or tree within a time to be fixed by the Court in its decree or order.

Tenant may remove buildings, works or trees not deemed improvements, within a time to be fixed.

8. The Local Government may, from time to time, by notification in the Fort St. George and Malabar District Gazettes, make rules requiring the Court to associate with itself, for the purpose of estimating the compensation to be awarded under section 6 for an improvement, such number of assessors as the Local Government thinks fit, determining the qualifications of those assessors, the mode of selecting them, the fee payable to them, and the procedure to be followed in case of a difference of opinion between the judge and one or more of such assessors.

Powers to make rules for appointment of assessors, etc.

9. (1) When the improvement is not an improvement to which section 18 applies and has caused an increase in the value of the annual net produce of the holding, the Court shall determine, as nearly as may be, the average net money value of such increase and the number of years during which such increase may reasonably be expected to continue, and shall then ascertain the present value, at 6 per cent., of an annuity equal to such money value for such number of years, and also the cost of making the improvement determined in the manner prescribed in section 11.

Improvement producing an increase in the value of the annual net produce.

(2) If the present value of the annuity does not exceed the cost of making the improvement, the present value shall be the compensation to be awarded.

(3) If the present value of the annuity exceeds the cost of making the improvement, the compensation to be awarded shall be the cost together with one-half of the excess.

Explanation.—The value of the net produce means the amount remaining after deducting from the value of the gross produce the cost of cultivation and the Government assessment and cesses.

Improvement consisting of trees or plants spontaneously grown during tenancy or sown or planted by tenants.

Other kinds of improvements.

Value of improvement to be ascertained in the way most favourable to the tenant.

Improvement consisting in the protection and maintenance of trees and plants not sown or planted by tenants and of trees and plants spontaneously grown prior to tenancy.

Power to frame tables of maximum and minimum rates of compensation.

10. When the improvement is not an improvement to which section 9 applies, but consists of timber trees or of other useful trees or plants spontaneously grown during the period of the tenancy or sown or planted by any of the persons mentioned in section 5, the compensation to be awarded shall be three-fourths of the sum which the trees or plants might reasonably be expected to realize, if sold by public auction to be cut and carried away.

11. When the improvement is not an improvement to which section 9 or 10 applies, the compensation to be awarded shall be the cost of the labour, including supervision thereof, and of the materials, together with other expenditure, if any, which would at the time of the valuation be required to make the improvement, less a reasonable deduction on account of the deterioration, if any, which may have taken place from age or other cause.

12. Notwithstanding anything contained in sections 9, 10 and 11, the amount of compensation to be awarded for an improvement shall be ascertained in the way prescribed by any of the said sections which is most favourable to the tenant.

Illustrations.

(a) The compensation to be awarded for a jack tree as a fruit-tree is ascertained under section 9 to be Rs. 7, but for the same tree as a timber tree it is ascertained under section 10 to be Rs. 10.

(b) The compensation to be awarded for an immature casuarina plantation is ascertained under section 10 to be Rs. 20, but under section 11 to be Rs. 100

In each case, the Court shall award the higher amount.

13. When the improvement consists in the protection and maintenance of timber or fruit-trees or of other useful trees or plants not sown or planted by any of the persons mentioned in section 5, or of such trees or plants spontaneously grown prior to the commencement of the tenancy, the compensation to be awarded shall be the proper cost of such protection and maintenance ascertained as provided in section 11.

14. The Local Government may prepare for the whole or any part of the Malabar District tables showing the maximum and the minimum rates of compensation to be awarded under this Act for all or any class of improvements, and when such tables have been published the amount awarded as compensation under sections 9, 10, 11 and 12 shall not, except where the Court is satisfied that there has been exceptional care, skill or enterprise on the part of the tenant, exceed such maximum rates, nor shall it in any case be less than such minimum rates.

15. (1) For the purpose of determining the amount of compensation to be awarded under this Act, the Local Government may prepare tables for the whole or any part of the Malabar District showing all or any of the following matters :—

Power to prepare tables of prices of products, the cost of cultivating paddy, planting, protecting and maintaining trees and plants.

- (a) the price of cocoanuts, arecanuts, pepper and paddy ;
- (b) the cost of—

- (i) cultivating and harvesting a crop of paddy ;
- (ii) planting, protecting and maintaining a coconut tree, an arecanut tree, a jack tree, and a pepper vine until the tree or vine is in bearing ;
- (iii) protecting and maintaining a coconut tree, an arecanut tree, a jack tree and a pepper vine for one year when in bearing.

(2) The tables prepared under this section shall on publication be receivable in evidence, and the rates and amounts therein specified shall be presumed to be the proper rates and amounts until the contrary is proved : Provided that, in so far as such tables prescribe prices of products, the presumption shall not be rebuttable except by proof of the average price as provided in section 16.

Such tables to be presumptive evidence that the prices and costs therein mentioned are correct.

16. In respect of any product for which no table showing the price has been published, and whenever the presumption under section 15 as to price is sought to be rebutted, the Court shall adopt as the money value, for the purpose of awarding compensation under section 9, the average price as nearly as may be ascertainable, in the taluq where the land is situated, for a period of ten years immediately preceding the institution of the suit.

Value to be ascertained where no table has been prepared or the correctness of the price mentioned in the table is disputed.

17. The tables prepared under this Act shall be published in English and Malayalam in the Fort St. George and Malabar District Gazettes, and shall be kept publicly posted in the Courts having jurisdiction over the area to which the tables apply.

Tables to be published.

The Local Government may by like publication cancel or vary from time to time the tables so published.

18. When trees are planted in excess of the following scale, the Court, if satisfied that, in the circumstances of the particular case, the land is over-planted, may, notwithstanding anything hereinbefore contained, either refuse to grant any compensation, or may grant compensation at a lower rate, for so many of the trees as are in excess of the scale and are immature :—

Compensation may be refused where trees have been over-planted.

Cocoanut trees	...	...	...	...	120 per acre.
Arecanut trees	...	...	...	...	720 "
Jack trees	...	...	...	...	60

1900: Mad. Act II.] *Coffee-stealing Prevention. (Secs. 3-9.)* 1033

1900: Mad. Act III.] *Madras Harbour Trust Amendment Act. (Sec. 1.)*

3. After section 5 of the said Act the following section shall be inserted :—

Insertion
of a new
section after
section 5.

[*Vide supra*, p. 353.]

4. In section 6 of the said Act, between the words “ required ” and “ by ” insert the words “ to be kept ”, and in the same section, for the word and figure “ section 5 ” substitute the words and figures “ sections 5 and 5A ” and omit the words “ to be kept by persons purchasing coffee ”.

Amendment
of section 6.

5. In section 8 of the said Act, after the figure “ 5 ” the figure and letter “ 5A ” shall be inserted.

Amendment
of section 8.

6. In section 9 of the said Act, after the words “ green gathered ” the words “ parchment or cherry driel ” shall be inserted.

Amendment
of section 10.

7. In section 13 of the said Act omit the words “ or add ” between the words “ substitute ” and “ corporal ” and the words “ or to ” between the words “ for ” and “ the ” ; and in the proviso to the same section omit the words “ or additional ” between the words “ substituted ” and “ punishment ”.

Amendment
of section 13.

8. In the proviso to section 14 of the said Act, between the word “ may ” and the word “ grant ” insert the words “ for reasons to be recorded in writing ”.

Amendment
of section 14.

9. After section 14 of the said Act the following sections shall be added, namely :—

Insertion
of three new
sections after
section 14.

[*Vide supra*, p. 355.]

MADRAS ACT No. III OF 1900.¹

[1st May, 1900 ; 24th May, 1900.]

An Act to amend the Madras Harbour Trust Act, 1885.

Mad. II of
1886.

WHEREAS it is expedient to amend the Madras Harbour Trust Act, 1885 ; Preamble.
It is hereby enacted as follows :—

Mad. II of
1886.

1. Clause (10) of section 3 of the Madras Harbour Trust Act, 1885, shall be read and construed as if, at the time of the passing of the said Act, there were and had been added to the said clause the following words, namely, “ and also denotes the portion of the sea enclosed by the arms or groynes of the harbour.”

Amendment
of clause (10)
of section 3.

¹ Short title, “ The Madras Harbour Trust (Amendment) Act, 1900 ” - see the Repealing and Amending Act, 1901 (XI of 1901), First Schedule.

For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 18th March, 1900, p. 43 ; for Proceedings in Council, see *ibid* dated May, 1900, p. 172.

The Governor General's assent to this Act was first published in the Fort St. George Gazette dated 19th June, 1900.

*Proprietary Estates' Village-service ; [1900 : Mad. Act IV.
Surveys and Boundaries.
(Secs. 1-2.)*

MADRAS ACT No. IV OF 1900.¹

[1st May, 1900 ; 26th May, 1900.]

An Act to amend the Madras Proprietary Estates' Village-service Act, 1894, and the Madras Survey and Boundaries Act, 1897.

Preamble.

WHEREAS it is expedient to amend the Madras Proprietary Estates' Village-service Act, 1894, and the Madras Survey and Boundaries Act, 1897 ; It is hereby enacted as follows :—

Mad. II of
1894.
Mad. IV of
1897.

Amendment
of the defini-
tion of " pro-
prietor " in
section 4 of
Madras Act II
of 1894.

1. In section 4 of the Madras Proprietary Estates' Village-service Act, 1894, after the words " registered by the Collector as senior joint owner," there shall be inserted and be deemed to have been inserted at the time when the said Act came into force the following, namely :—

Mad. II of
1894.

" Provided that, when any person other than the proprietor is in lawful management of an estate or of a portion of an estate, such portion consisting of one or more villages, but is not in such management as agent or servant of the proprietor or as mortgagee or lessee, such person shall be deemed to be the proprietor of the estate or of the portion of the estate, as the case may be."

Amendment
of the defini-
tion of " pro-
prietor " in
section 3 of
Madras Act
IV of 1897.

2. After sub-section (iii) of section 3 of the Madras Survey and Boundaries Act, 1897, there shall be inserted and be deemed to have been inserted at the time when the said Act came into force the following, namely :—

Mad. IV of
1897.

" Provided that when any person other than the proprietor is in lawful management of an estate or of a portion of an estate, such portion consisting of one or more villages, but is not in such management as agent or servant of the proprietor or as mortgagee or lessee, such person shall be deemed to be the proprietor of the estate or of the portion of the estate, as the case may be."

Amendment
of the defini-
tion of " re-
gistered
holder " in
section 3 of
Madras Act
IV of 1897.

And after sub-section (iv) of section 3 of the said Act there shall be inserted and be deemed to have been inserted at the time when the said Act came into force the following, namely :—

" Provided that, when any person other than the registered holder is in lawful management of Government land otherwise than as agent or servant of the registered holder or as mortgagee or lessee, such person shall be deemed to be the registered holder in respect of such Government land."

¹ Short title, " The Madras Proprietary Estates and Survey (Amendment) Act, 1900 "—see the Repealing and Amending Act, 1901 (XI of 1901), First Schedule.

For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement dated 10th October, 1899, p. 1 ; for Proceedings in Council, see *ibid* dated 12th December, 1899, p. 42 ; *ibid* dated 23rd May, 1900, p. 171.

The Governor General's assent to this Act was first published in the Fort St. George Gazette of 4th September, 1900.

1900: Mad. Act IV.]	<i>Surveys and Boundaries. (Secs. 3-4)</i>	1085
1900: Mad. Act V.]	<i>Irrigation-cess. (Secs. 1-3.)</i>	
1900: Mad. Act VI.]	<i>Local Boards. (Sec. 1.)</i>	

Mad. IV of
1897.

3. In section 10 of the Madras Survey and Boundaries Act, 1897, for the word "him" between the words "from" and "in" *substitute* the words "the land"; and in section 14 of the same Act, for the words "registered holder" between the words "the" and "as" *substitute* the word "land".

Amendment
of sections 10
and 14 of
Madras Act
IV of 1897.

4. In section 19 of the said Act omit the words "the proprietor of" occurring between the words "from" and "the estate".

Amendment
of section 19
of Madras Act
IV of 1897.

MADRAS ACT No. V OF 1900.¹

[10th May, 1900; 10th August, 1900.]

An Act to amend Madras Act VII of 1865.

WHEREAS it is expedient to amend Madras Act VII of 1865; It is hereby enacted as follows:—

Preamble.

1. Sections 1 and 4 of Madras Act VII of 1865, hereinafter referred to as the said Act, shall be read and construed as if at the time of the passing of the said Act there were and had been inserted in lieu of the said sections the following, *viz.*—

New section
substituted
for sections 1
and 4.

[*Vide supra*, p. 298.]

2. No water-cess which would not have been leviable if this Act had not been passed shall be hereafter levied for any period prior to the 1st July, 1899.

Limitation on
the retros-
pective effect
of section 1.

3. All rules that may hereafter be prescribed by Government under section 1 of the said Act and any alterations or amendments that may hereafter be made in the rules made under that section which are now in force shall be made after previous publication.

New rules,
etc., under
section 1 to
be made after
previous
publication.

MADRAS ACT No. VI OF 1900.²

[13th June, 1900; 11th October, 1900.]

An Act further to amend Madras Act V of 1884 (The Madras Local Boards Act, 1884).

WHEREAS it is expedient further to amend the Madras Local Boards Act, V of 1884; It is hereby enacted as follows:—

Preamble.

1. This Act may be called the Madras Local Boards Act Amendment Act, 1900; and it shall come into force on such date³ as the Governor in Council may, by notification, direct.

Title and
commence-
ment.

¹ Short title, "The Madras Irrigation Cess (Amendment) Act, 1900"—*see* the Repealing and Amending Act, 1901 (XI of 1901).

² For Statement of Objects and Reasons *see* Fort St. George Gazette, Supplement dated 8th March, 1898, p. 22; for Report of the Select Committee, *see ibid* dated 3rd March, 1900, p. 1; for Proceedings in Council, *see ibid* dated 3rd May 1898, p. 34; *ibid* December 12th, 1899, p. 16; *ibid* June 12th, 1900, p. 176.

³ For Statement of Objects and Reasons *see* Fort St. George Gazette, Supplement dated 5th December, 1899, p. 1; for Report of the Select Committee *see ibid* dated 6th March, 1900 p. 35; for Proceedings in Council, *see ibid* dated 29th, January 1900, p. 107; 20th March, p. 100, 29th May, p. 88.

The Governor General's assent to this Act was first published in the Fort St. George Gazette dated 4th September, 1900.

³ The Act came into force from 1st April, 1901—*see* Notification No. 982, dated 11th December, 1900—Fort St. George Gazette, 1900, Pt. IA, p. 368.

Sections declared amended to be those of Madras Act V of 1884.

Amendment of section 2.

2. Unless there is something repugnant in the subject or context, the sections declared to be amended by this Act are those of the Madras Local Boards Act, V of 1884.¹

3. In section 2, sub-section (1),—

- (a) the figures “1884” shall be substituted for the figures “1878”;
- (b) the words “or in any scheduled district, as defined under the Scheduled Districts Act, 1874, or other law in force for the time being”, shall be omitted.

Substitution of “official year” for “financial year” throughout the Act.
New section substituted for section 3.
Amendment of section 5.

4. For the words “official year” wherever they occur shall be substituted the words “financial year”.

5. For section 3 shall be substituted the following section :—

[*Vide supra*, p. 695.]

6. In section 5, the words “by an order in writing published together with a statement of his reasons for making the same” shall be inserted between “may” and “in like manner”; and at the end of the section shall be added the words—

[*Vide supra*, p. 700.]

Amendment of section 6.

7. In sub-section (1) of section 6, the words “any village or villages or any portion or portions thereof” shall be substituted for the words “any village or group of villages”, and the words “by an order in writing published together with a statement of his reasons for making the same” shall be inserted between the word “may” and the words “at any time”.

Addition of a proviso to section 8.

8. In section 8, after the word “persons” the following shall be inserted :—

[*Vide supra*, p. 700.]

Amendment of section 9.

9. (a) In sub-section (1) of section 9, the words “member and” shall be inserted between the words “be” and “president”.

(b) In sub-section (2) of the same section, after the word “Council” where it first occurs, the words “to appoint one of the members of any district board to be the president of such board or” shall be inserted; and the following shall be added at the end of the sub-section, *viz.*: “But no such notification shall be issued without previously intimating to the district board the grounds upon which the proposal is based and considering the explanation and objections, if any, of the district board.”

Amendment of section 12.

10. In section 12, the words “by name or in virtue of his office” shall be inserted between the word “appointed” and the words “to be a member”.

11. In section 15,—

Amendment
of section 15.

- (a) in sub-section (1), the words “member and” shall be inserted after the words “*ex officio* be”, and after that sub-section the following sub-section shall be inserted and the present sub-section (2) shall be read as sub-section (3):—

[*Vide supra*, p. 702.]

- (b) in sub-section (3) as now re-numbered, after the word “Council” where it first occurs, the following words shall be inserted: “to appoint one of the members of any taluk board to be the president of such board or”; and the following shall be added at the end:

[*Vide supra*, p. 702.]

- (c) the following sub-section shall be inserted after sub-section (3) as now re-numbered:—

[*Vide supra*, p. 702.]

12. In the first line of section 16, the word “other” shall be inserted between the word “the” and the word “members”,

Amendment
of section 16.

13. In section 17, the words “by name or in virtue of his office” shall be inserted between the word “appointed” and the words “to be a member”.

Amendment
of section 17.

14. (a) To the proviso to section 19 shall be added the words “But no such notification shall be issued without previously intimating to the district or taluk board the grounds upon which the proposal is based and considering the explanation and objections, if any, of the district or taluk board, as the case may be, and such notification shall not come into force until one month after the same shall have been published in the Fort St. George Gazette.”

Amendment
of section 19.

(b) In section 20, for the word “each” the word “any” shall be substituted.

Amendment
of section 20.

15. In sub-section (1) of section 21, for the words “by election” the words “or elected” shall be substituted.

Amendment
of section 21.

16. In section 22,—

- (a) for the first clause of sub-section (1), the following clause shall be substituted:—

[*Vide supra*, p. 704.]

- (b) in the proviso to sub-section (1), for the word “appointed” shall be substituted the word “elected”;

- (c) for sub-section (2) shall be substituted the following sub-section:—

Term of office
of members.[*Vide supra*, p. 704.]

Substitution
of a new sub-
section for
sub-section
(2) of section
23.

17. In section 23, the following shall be substituted for sub-section (2):—
[*Vide supra*, p. 705.]

Amendment
of section 24.

18. In section 24,—

- (a) in sub-section (1), for the words “at any time remove any president, vice-president or member of a local board,” shall be substituted the words “by notification, remove any president, vice-president or member of a local board other than an *ex officio* president or member”;
- (b) in clause (i) of sub-section (1), before the word “refuses” shall be inserted the words “is absent for more than three months from the local area over which such board has authority or”;
- (c) in clause (iii) of the same sub-section, after the words “public peace or order” shall be added the words “or likely to bring the administration of the local board into contempt”;
- (d) to the same sub-section there shall be added as clause (iv) the following, namely:—
[*Vide supra*, p. 705.]
- (e) sub-section (2) shall be re-numbered as sub-section (3) and the following inserted as sub-section (2):—

[*Vide supra*, p. 705.]

Amendment
of section 25.

19. In section 25, in sub-section (1), after the words “otherwise directs” shall be inserted the words “in the exercise of the powers vested in him under this Act”.

Substitution
of a new sec-
tion for
section 26.
Insertion of
a new section
after section
27.

20. For section 26 of the Act the following shall be substituted:—
[*Vide supra*, p. 706.]

21. After section 27, the following section shall be inserted:—
[*Vide supra*, p. 706.]

Amendment
of section 28.

22. In section 28, the word “it” shall be substituted for the word “they”.

Amendment
of section 29.

23. In section 29, sub-section (1), for the words “members of any local board” the words “members then on any local board” shall be substituted.

Insertion of a
new section
after section
29.

24. After section 29 the following shall be inserted as section 29A:—
[*Vide supra*, p. 707.]

Amendment
of section 31.

25. In section 31,—

- (a) in sub-section (1), after the words “number of members” there shall be inserted the words “then on the board, not being less

(Secs. 26-30.)

than three"; and at the end of the sub-section shall be added the following clause, namely :—

[*Vide supra*, p. 707.]

(b) the following shall be inserted as sub-section (3), the present sub-section (3) being numbered as sub-section (4) :—

[*Vide supra*, p. 707.]

(c) in sub-section (4), the words "then on such board" shall be substituted for the words "of such board" in the last line.

26. In section 32,—

Amendment
of section 32.

(a) in sub-section (1), for the word "the" before the words "local board" where they first occur, the word "a" shall be substituted, and to sub-section (2) the following proviso shall be added :—

[*Vide supra*, p. 708.]

(b) the following shall be inserted as sub-section (3) :—

[*Vide supra*, p. 708.]

27. In section 33,—

Amendment
of section 33.

(a) in sub-section (1), for the word "the" before the words "local board" the word "a" shall be substituted, and the words "at a meeting" in sub-section (2) shall be omitted.

(b) for sub-section (3) the following shall be substituted, namely :—

[*Vide supra*, p. 709.]

28. After section 33 the following section shall be inserted, namely :—

Insertion of a
new section
after section
33.

[*Vide supra*, p. 709.]

29. In section 34,—

Amendment
of section 34.

(a) the words "at a meeting" shall be omitted; the word "its" shall be substituted for the word "their" in clause (i), the present clause (vii) numbered as (viii), and the following inserted as clause (vii) :—

[*Vide supra*, p. 709.]

(b) insert as sub-section (2) the following :—

[*Vide supra*, p. 710.]

30. In section 35,—

Amendment
of section 35.

(a) in sub-section (1), after the words "president of a local board" shall be inserted the words "or chairman of a panchāyat"; after the words "such local board" shall be inserted the words "or panchāyat"; and after the word "president" wherever it subsequently occurs shall be inserted the words "or chairman";

(Secs. 31-34.)

- (b) in the same sub-section, the words "after obtaining and considering the explanation of the president or chairman" shall be inserted between the words "the Collector" and the words "may by notice";
- (c) in sub-section (2), after the words "local board" shall be inserted the words "or panchayat".

Amendment
of section 36.

31. In section 36, the word "its" shall be substituted for the word "their" in clauses (c) and (d) of sub-section (1), the following shall be inserted as sub-section (2) and the present sub-section (2) re-numbered as sub-section (3) :—

[*Vide supra*, p. 710.]

Amendment
of section 37.

32. In section 37,—

- (a) in sub-section (1), for the words "or order of a local board" there shall be substituted the words "of any local board, or of any order issued by any local board or president"; after the words "cancel such resolution or order" shall be inserted the words "or suspend or cancel any license granted by any local board or president"; before the words "such resolution, order or act" shall be inserted the words "such resolution has not been legally carried, or"; after the same words, the words "or the issue of such license"; and after the words "the doing of such act" shall be inserted the words "or the continuance in force of such license";
- (b) in sub-section (3), before the words "rescind the order, or" there shall be inserted the word "thereupon", and after the same words the words "after giving the local board a reasonable opportunity of explanation".

Amendment
of section 38.

33. In section 38,—

- (a) in sub-section (1), the words "or the president" shall be inserted before the words "is empowered";
- (b) in sub-section (2), the words "or all" shall be omitted, and the words "except charges for the service of authorized loans" shall be inserted after the words "against such fund"; and
- (c) the following shall be substituted for sub-section (3) :—

[*Vide supra*, p. 711.]

Amendment,
of section 40.

34. In section 40,—

- (a) in sub-section (1), the words "a local board or a president" shall be substituted for the words "any local board" and the words "on it" shall be omitted; and

(Secs. 35-40.)

- (b) in sub-section (3), the word "in" after the word "person" and the words "or all" before the words "other charges" shall be omitted, and the words "except charges for the service of authorized loans" shall be added after the words "against such fund".

35. In section 41, the words "at a meeting" shall be omitted, and the word "its" substituted for the word "their" wherever it occurs and the word "it" for the word "they". Amendment of section 41.

36. In section 42,—

- (a) in sub-sections (1) and (4), the word "its" shall be substituted for the word "their", and in sub-section (2) the words "or for any public or private body" shall be inserted after the word "Government", and the words "or the public or private body concerned, as the case may be," shall be inserted before the words "shall contribute"; and in sub-sections (3) and (4), for the word "the" before the words "local board" where they first occur the word "a" shall be substituted;
- (b) in sub-section (4), the words "or unless some other Government servant has been deputed to replace the one withdrawn" shall be added at the end; and

(c) the following sub-section shall be inserted after sub-section (4):—

[*Vide supra*, p. 713.]

37. For section 44 shall be substituted the following section:—

[*Vide supra*, p. 714.]

Substitution of a new section for section 44.

38. In section 46,—

- (a) in sub-section (1), the words "at a meeting" shall be omitted, and in sub-sections (1) and (2), the words "and pancháyats" shall be inserted after the words "local boards"; and
- (b) in sub-section (1) the following words shall be inserted at the end of clause (v):—

[*Vide supra*, p. 714.]

and the following proviso shall be inserted after clause (viii):—

[*Vide supra*, p. 715.]

Amendment of section 46.

39. Section 43 is hereby repealed.

Repeal of section 43.

40. In section 49, the words "or streets" and "or street" wherever they occur shall be omitted; the words "existing at the time this Act comes into force, or which shall afterwards be made" shall be omitted; and for the proviso shall be substituted the following clause: "But it shall be competent

Amendment of section 49.

to the Governor in Council by notification to exclude any road from the operation of this Act and to modify or cancel such notification."

Amendment
of section 50.

41. In section 50,—

- (a) for the word "streets" in sub-section (1), the words "public roads" shall be substituted, and the words "and belong to" after the words "vest in" omitted;
- (b) in sub-section (2), the words "and belong to" after the words "vest in" shall be omitted and the words "local board or panchayat at whose cost they are collected" shall be substituted for the words "district board";
- (c) in sub-section (3), for the words "and culvert" the words "or culvert" shall be substituted.

Amendment
of section 51.

42. In sub-section (1) of section 51, the word "Madras" shall be inserted before the word "Regulation" and in sub-section (2) of the same section, the word "concerned" shall be substituted for the words "within whose jurisdiction such endowment is situated".

Amendment
of section 52.

43. In clause (1) of section 52, the words "any taluk board in the same district" shall be substituted for the words "the taluk board of the taluk wherein such property is situated".

Amendment
of section 53.

44. In section 53, the words "or street" shall be omitted wherever they occur and the words "its" substituted for the word "their".

Amendment
of section 54.

45. In section 54,—

- (a) from sub-section (1), clause (i) shall be omitted, and the clauses (ii) to (vi) shall be numbered as (i) to (v);
- (b) in clause (ii) as so re-numbered, for the word "their" the word "its," shall be substituted; and
- (c) the following proviso shall be added at the end of sub-section (2):—
[*Vide supra*, p. 717.]

Amendment
of section 56.

46. In section 56,—

- (a) in clause (ii) of sub-section (1), for the word "their" the word "its" shall be substituted;
- (b) the following proviso shall be added at the end of sub-section (2):—
[*Vide supra*, p. 718.]

Amendment
of section 57.

47. In section 57,—

- (a) the following shall be inserted as clause (ii) and the present clauses (iii), (iv) and (v) re-numbered as clauses (iii), (iv), (v) and (vii), respectively:—

[*Vide supra*, p. 718.]

(Secs. 48-53.)

(b) in clause (iv) as so re-numbered, the words " under any of the classes and at rates not exceeding those " shall be substituted for the words " not exceeding the rates " ; the words " or upon foot-passengers going over such bridges and at such rates as the Governor in Council on the request of the district board may by notification approve " shall be inserted after the words " Schedule B " ; and the words " clause (1) of section 95 " shall be substituted for the words " clause I, section 95 " ;

(c) in clause (v) as so re-numbered, the word " roads " shall be substituted for the word " streets " and the words " approved by the Governor in Council " shall be inserted after the word " rate ; "

(d) the following shall be inserted as clause (vi) :—

[*Vide supra*, p. 719.]

(e) in clause (vii) as so re-numbered, the words " use of cart-stands, markets and slaughter-houses constructed or maintained from the local fund and fees for the temporary occupation of choultries, travellers' rest-houses, " shall be substituted for the words " temporary use of cart-stands and of markets " ; the words " on the occasion of fairs and festivals " shall be omitted ; the words " roads " inserted after the word " village-sites " and the word " or parts thereof " after the words " public places ", and the words " with the approval of the Governor in Council " shall be added at the end of the clause.

48. From section 58, the words " at a meeting " shall be omitted and the following proviso inserted at the end of the section :—

Amendment
of section 58.

[*Vide supra*, p. 719.]

49. In section 59, after the words " mentioned in " the words " clause (i) and clauses (iii) to (vii) of " shall be inserted and for the word " fail " shall be substituted the word " fails ".

Amendment
of section 59.

50. The proviso at the end of section 60 shall be omitted.

Amendments
of section 60

51. In section 61 the words " at a meeting " shall be omitted, the words " with the approval of the Governor in Council " shall be inserted after the word " determine ", the word " it " substituted for the word " they " and the figures (v), (vi) and (vii) for the figures (iv) and (v), respectively.

Amendment
of section 61.

52. In section 62, sub-section (1), the words " with the approval of the Governor in Council " shall be inserted after the word " determined " and the word " it " substituted for the word " they ".

Amendment
of section 62.

53. In section 63, the words " in whole or in part " shall be inserted after the word " exempt ", the words " carriages, carts or animals " shall be inserted

Amendment
of section 63.

after the word " persons " and the word " tolls " shall be inserted after the word " taxes ".

Amendment
of section 64.

54. In section 64,—

(a) the word " notifies " shall be substituted for the word " notify " in the first line ;

(b) in clause (iii), the words " or intermediate landholder holding on an under-tenure created, continued or recognized by a landholder, as the case may be," shall be inserted after the word " landholder " where it first occurs.

Amendment
of section 65.

55. In section 65, the word " landholder " shall be substituted for the words " holder of land " where these words first occur.

Amendment
of section 69.

56. In section 69, the word " Madras " shall be inserted before the word " Regulation ".

Amendment
of section 73.

57. (a) In section 73, before the words " Provided that " insert the following :—

[*Vide supra*, p. 724.]

(b) In the same section, after the word " Provided " the word " also " shall be inserted.

(c) In the same section, after the word " landholder," where it secondly occurs, the words " or the intermediate landholder, as the case may be," shall be inserted.

(d) To the same section the following illustration shall be added :—

[*Vide supra*, p. 724.]

Amendment
of section 74.

58. In section 74, after the word " landholder ", where it first occurs, the words " or intermediate landholder, as the case may be," shall be inserted.

In the same section, the word " provisos " shall be substituted for the word " proviso ".

Amendment
of section 75.

59. In section 75, before the word " proviso " the word " second " shall be inserted.

Amendment
of section 76.

60. In section 76, the word " Madras " shall be inserted before the words and figures " Act II of 1864 ".

Amendment
of section 77.

61. In section 77,—

(a) in sub-section (1), for the word " notify " shall be substituted the word " notifies " ; and

(b) in sub-section (2), the word " and " shall be substituted for the word " or " between the words " owners " and " occupiers ".

Amendment
of section 78.

62. In section 78,—

(a) in sub-section (1), the words " names of the owner and of the occupier " shall be substituted for the words " name of the owner and occupier " ; and

(Secs. 63-70.)

(b) for sub-section (2) the following shall be substituted :—

[*Vide supra*, p. 725.]

63. In section 79, insert the following as sub-section (3) :—

[*Vide supra*, p. 726.]

Addition of
sub-section to
section 79.

64. After section 79 the following section shall be inserted :—

[*Vide supra*, p. 726.]

Insertion of
new section
after section
79.

65. In section 80,—

Amendment
of section 8

(a) in sub-section (1), the word “half-year” shall be substituted for the word “year”;

(b) the following shall be inserted at the beginning of sub-section (2) after the figure (2) :—

[*Vide supra*, p. 726.]

66. After section 80, the following section shall be inserted :—

[*Vide supra*, p. 727.]

Insertion of
new section
after section
80.
Amendment
of section 81.

67. In section 81,—

(a) in sub-section (1), the words “all of them” shall be substituted for the word “both”;

(b) in sub-sections (1) and (2), the words “or owner’s agent” shall be inserted after the word “owner”;

(c) in sub-section (3), the words “upon him” shall be inserted after the word “demand”; the words “to the satisfaction of the Chairman” shall be inserted between the words “show cause” and “why”; and for the clause beginning with the words “by distress” and ending with the word “union” shall be substituted the following words and clauses :—

[*Vide supra*, p. 727.]

(d) After sub-section (2) the following shall be inserted as sub-section (3) :—

[*Vide supra*, p. 728.]

6 . After section 81 the following shall be inserted as section 81A :—

[*Vide supra*, p. 728.]

Insertion of
a new section
after section
81.

69. In section 82, substitute the word “distrained” for the word “seized” and the word “distrain” for the word “seizure”.

Amendment
of section 82.

70. In section 84, sub-section (1), there shall be added at the end the words “provided that a fresh general assessment shall be made not less than once in four years”.

Amendment
of section 84.

Amendment
of section 85.

71. In section 85,—

- (a) in sub-section (1), for the words "they deem" shall be substituted the words "it deems", the word "its" for the word "their" and the word "which" for the word "who";
- (b) in sub-section (1) and in clause (ii) of sub-section (2), the words "or president of the taluk board" shall be inserted after the words "chairman of the panchayat";
- (c) in clause (ii) of sub-section (2), the word "directs" shall be substituted for the word "direct".

Amendment
of section 86.

72. In section 86, for the words "exempt from payment of the tax on the ground of poverty" shall be substituted the words "on the ground of poverty, exempt from payment of the whole or any portion of the tax"; and at the end of the section shall be added the words "it may in like manner, with the approval of the Governor in Council, exempt any classes of houses."

Amendment
of section 87.

73. In section 87,—

- (a) in sub-section (1), the word "notifies" shall be substituted for the word "notify" and the words "or, with the sanction of Government and for reasons connected with its construction and maintenance which shall be recorded, upon foot-passengers going over a bridge," shall be inserted after the words "along any road";
- (b) for sub-section (3), the following sub-section shall be substituted :—
[*Vide supra*, p. 730.]
- (c) the following shall be inserted as sub-section (4) :—
[*Vide supra*, p. 730.]

Amendment
of section 89.

74. In sub-section (1) of section 89, the word "it" shall be substituted for the word "them".

Amendment
of section 90.

75. In section 90,—

- (a) in sub-section (1), the words "animal or foot-passenger" shall be substituted for the words "or animal"; and
- (b) at the end of sub-section (3), the words "or in the case of a foot-passenger may prevent his passage" shall be inserted;
- (c) for clause (5) the following shall be substituted :—
[*Vide supra*, p. 731.]

Amendment
of section 92.

76. In section 92, the words "within a quarter of a mile of it" shall be substituted for the words "adjoining thereto".

Amendment
of section 93.

77. In section 93,—

- (a) in sub-section (1), the word "proclaims" shall be substituted for the word "proclaim" and the figures (v), (vi) and (vii) for the figures

(Secs. 78-81.)

(iv) and (v), respectively; and the word "slaughter-houses" shall be inserted after the word "cart-stands";

(b) in sub-section (3), the words and figures "clauses (v), (vi) and (vii)" shall be substituted for the word and figure "clause (iv)".

78. The following shall be inserted as section 93A:—

[*Vide supra*, p. 732.]

79. In section 94,—

(a) the words "to the provisions of section 271 of the Code of Civil Procedure and" shall be inserted between the word "subject" and the words "to the conditions";

(b) in clause (a) of exception (i), the words "and bedding" shall be inserted between the word "apparel" and the words "of the defaulter";

(c) in clause (c) of exception (i), the words "and seed-grain" shall be inserted between the word "cattle" and the words "as may"; and the word "local" shall be substituted for the word "taluk";

(d) in exception (ii), the words "on account of the tax, toll or fee and distraint-fee and the probable expenses incidental to the detention and sale of the said property" shall be inserted at the end of the clause;

(e) in exception (iv), the word "local" shall be substituted for "district".

80. The following shall be inserted as section 94A:—

[*Vide supra*, p. 734.]

81. In section 95,—

(a) the word "its" shall be substituted for the word "their" and the word "roads" for the word "streets" wherever those words occur; the words "for the following matters" shall be omitted; and after the words "their authority" shall be inserted the words "or with the special sanction in each case of the Governor in Council without the said areas, for the following purposes:—";

(b) in clause (iii), the word "maintenance" shall be inserted between the word "construction" and the words "and repair"; the words "slaughter-houses, cart-stands" after the word "markets"; the word "latrines" after the word "sewers"; the words "drains, sewers, latrines" shall be inserted after the words "cleansing of the streets";

Insertion of a
new section
after section
93.

Amendment
of section 94.

Insertion of a
new section
after section
94.

Amendment
of section 95.

- (c) the following shall be inserted as clause (viii) and the present clause (viii) shall be numbered as clause (ix) :—

[*Vide supra*, p. 735.]

- (d) in clause (ix) as renumbered, the words “or specially sanctioned by the local board with the approval of the Governor in Council” shall be inserted after the word “Act”, and the words “and the payment of refunds sanctioned by the local board” after the word “section”.

Repeal of
section 96.

82. Section 96 is hereby repealed.

Amendment
of section 98.

83. In section 93,—

- (a) for the words “taluk board” wherever they occur the words “local board concerned” shall be substituted ;
(b) in sub-section (1), the words “whether permanent or temporary” shall be inserted after the word “encroachment”; the words “or made” shall be inserted after the word “erected”; the word “road” shall be substituted for the word “street” wherever it occurs ;
(c) for the proviso to sub-section (2) the following shall be substituted :—

[*Vide supra*, p. 736.]

Insertion of
new sections
after section
98.

84. The following sections shall be inserted after section 98, namely :—

[*Vide supra*, p. 736.]

Amendment
of section 99.

85. In section 99, the words “to provide parapet walls for the same and also to protect any such well from pollution by surface drainage in such manner as he may think fit” shall be inserted after the words “in good repair” and the following proviso shall be added at the end :—

[*Vide supra*, p. 737.]

Substitution
of a new
section for
section 100.

86. The following section shall be substituted for section 100, namely :—

[*Vide supra*, p. 738.]

Insertion of
new sections
after section
100.

87. The following sections shall be inserted after section 100, namely :—

[*Vide supra*, p. 738.]

Amendment
of section 101.

88. In section 101,—

- (a) in sub-section (1), the word “the” shall be inserted between the words “opinion of” and “taluk board” and the words “within the time specified in the notice” between the words “land” and the words “the president”;

(Secs. 89-97.)

(b) sub-sections (2) and (3) shall be omitted and the following shall be inserted as section 101A :—
[*Vide supra*, p. 742.]

Omission of sub-sections (2) and (3) of section 101 and the insertion of a new section after that section.

89. In section 104, the following shall be inserted at the end of the section, namely :—

Addition to section 104.

[*Vide supra*, p. 743.]

90. In section 106, sub-section (1), the words “or any portion of a district” shall be inserted after the words “any district”; and in sub-section (2), the words “in the said area” shall be substituted for the words “in the district”.

Amendment of section 106.

91. In section 107, the words “more than” shall be omitted, and the word “area” shall be substituted for the word “district”; and the following shall be inserted as sub-section (2) :—

Amendment of section 107.

[*Vide supra*, p. 744.]

92. In section 112,—

(a) the following sub-section shall be substituted for sub-section (1), namely :—

Substitution of a new sub-section for sub-section (1) of section 112.

[*Vide supra*, p. 745.]

(b) in sub-section (2), for the words “make an order in writing directing such parent or guardian to comply with the notice before a date specified in the order” shall be substituted the words “sentence such parent or guardian to pay a fine not exceeding rupees twenty”;

Amendment of sub-section (2) of section 112.

(c) for sub-section (3) shall be substituted the following sub-sections, namely :—

Substitution of two new sub-sections for sub-section (3) of the same section.

[*Vide supra*, p. 746.]

93. Section 113 is hereby repealed.

Repeal of section 113.

94. The following shall be inserted as section 115A :—

[*Vide supra*, p. 746.]

Insertion of a new section after section 115.

95. For section 116 the following section shall be substituted, namely :—

[*Vide supra*, p. 746.]

Substitution of a new section for section 116.

96. In section 117, sub-section (1), the words “sewage or other rubbish” shall be added after the word “night-soil”.

Amendment of section 117.

97. The following sections shall be inserted after section 117, namely :—

[*Vide supra*, p. 747.]

Insertion of new sections after section 117.

- Substitution of a new section for section 118. Amendment of section 120. 98. For section 118 the following section shall be substituted, namely :—
[*Vide supra*, p. 752.]
- Addition of a proviso to section 122. 99. In section 120, sub-sections (1) and (2), the words “ or portion of such village ” shall be inserted after, and the word “ revenue ” before, the word “ village ” wherever it occurs.
- Amendment of section 124. 100. To section 122 the following proviso shall be added : —
[*Vide supra*, p. 753.]
101. In section 124,—
(a) in sub-section (1), the words “ or on the . . . appointed ” at the end of the sub-section shall be omitted and the following proviso inserted :—
[*Vide supra*, p. 754.]
(b) in sub-section (2), the words “ or chairman ” shall be inserted between the words “ member ” and “ of ”.
- Addition of a new sub-section to section 125. 102. In section 125 the following shall be inserted as sub-section (2) :—
[*Vide supra*, p. 754.]
- Amendment of section 126. 103. In section 126,—
(a) in sub-section (1), for the words “ the Governor in Council . . . pancháyat ” the following shall be substituted :—
[*Vide supra*, p. 754.]
(b) in clause (i) of the same sub-section, after the words “ if he ” shall be inserted the words “ is absent for more than four months from the local area over which such pancháyat has authority or ” ;
(c) in clause (ii) of the same sub-section, after the words “ peace or order ” shall be inserted the words “ or likely to bring the administration of the pancháyat into contempt ”.
(d) in sub-section (2), for the words “ any person ” shall be substituted the words “ such chairman or member ”.
- Insertion of a new section after section 127. 104. After section 127 the following section shall be inserted, namely :—
[*Vide supra*, p. 755.]
- Addition of a proviso to section 128. 105. At the end of section 128, the following proviso shall be added, namely :—
[*Vide supra*, p. 755.]
- Amendment of section 130. 106. In section 130, sub-section (3), the words “ then on the pancháyat ” shall be inserted after the word “ pancháyatdars ” and after the word “ present ” the words “ not being less than three in number ” shall be added.

(Secs. 107-113.)

107. In section 132, sub-section (2), the words "from time to time" and the words "at any time in like manner" shall be omitted; and the words "for a period not exceeding four months during any one financial year" shall be inserted after the word "exercise".

Amendment
of section 132.

108. In section 134, sub-section (2), the words "subject to the approval of the president of the taluk board" shall be inserted at the beginning; the word "shall" shall be inserted between the words "and" and "pay" and the words "Such servants may be transferred by the president of the taluk board, from one union to another under the same taluk board, whenever he considers such a course necessary" shall be added at the end; and in sub-section (3), the word "fine" shall be inserted before the word "suspend".

Amendment
of section 134.

109. In section 135,—

Amendment
of section 135.

(a) in sub-section (1), for the words "have passed" shall be substituted the words "has passed" and for the word "their" the word "its";

(b) in sub-section (2), the word "fails" shall be substituted for the word "fail" and the word "it" for the word "they".

110. (a) In section 137, sub-section (2), and in section 138, sub-section (3), the words "except charges for the service of authorized loans" shall be added after the words "against such fund";

Amendment
of sections
137 and 138.

(b) In section 138, sub-section (1), for the word "they" the word "it" shall be substituted.

Amendment
of section 138.

111. In section 139, the words "district or" shall be omitted and the word "roads" substituted for the word "streets".

Amendment
of section 139.

112. In section 140, sub-section (1), the words "in any union" shall be inserted after the word "house-tax"; the words "any fees" shall be substituted for the words "the fees"; the words "such union" shall be substituted for the words "any union"; and the word and figures "(v) and (vi)" shall be substituted for the word and figures "(i) and (iv)".

Amendment
of section 140.

113. In section 141,—

Amendment
of section 141.

(a) the word "its" shall be substituted for the word "their" wherever it occurs, alter the numbering of the clauses under "I. In all unions" into (b) and (f) and those under "II. In a major union" into (d) and (e), and omit the words and figures "I. In all unions" and "II. In a major union";

(b) insert the following as clauses (a) and (c) to the section:—

[*Vide supra*, p. 760.]

(c) in clauses (b) and (d) as so renumbered, the words "public roads" shall be substituted for the words "village streets", and at the end of clause (c) the word "and" shall be added.

Amendment
of section 143.

114. In section 143, for the word "their" wherever it occurs the word "its" shall be substituted, and for the figures and word "99 to 101" the figures "99, 100, 101".

Insertion of
new sections
after section
143.

115. After section 143 the following sections shall be inserted, namely :—

[*Vide supra*, p. 761.]

Amendment
of section
144.

116. In section 144,—

(a) for the words "not inconsistent" shall be substituted the word "consistent" and the following words inserted at the end of clause (iii) :—

[*Vide supra*, p. 762.]

(b) after clause (vi), insert the following as clause (vii) and alter the numbering of the succeeding clauses :—

[*Vide supra*, p. 762.]

(c) in clause (viii) as renumbered, insert the words "and pancháyats" after the words "local boards" and the following shall be inserted at the end of the clause :—

[*Vide supra*, p. 762.]

(d) after clause (xiv) as renumbered, insert the following as clause (xv) :—

[*Vide supra*, p. 763.]

(e) renumber the last clause as (xvi).

Amendment
of section
146.

117. In section 146, the words "unless the Governor in Council shall otherwise for any special reason direct" shall be inserted between the word "operation" and the word "until".

Repeal of the
proviso to
section 147.

118. The proviso to section 147 is hereby repealed.

Amendment
of section
160.

119. In section 150, sub-section (1), the words "a statement" shall be omitted.

Amendment
of section
161.

120. In section 151, sub-section (2), the words "of a local board" shall be inserted after the words "such annual report".

Amendment
of section
162.

121. In section 152, in sub-section (1), for the word "the" before the words "local board" where they first occur shall be substituted the word "a", and, in sub-section (2), the words "or of any particular local board or boards and pancháyat or pancháyats" shall be inserted after the word "pancháyats", and the word "concerned" shall be added at the end.

Insertion of
a new section
after section
162.

122. After section 152 the following section shall be inserted, namely :—

supra, p. 765.]

(Secs. 123-130.)

123. In section 153, the year "1870" shall be altered into "1894".

Amendment
of section
153.

124. Section 154 is hereby repealed.

Repeal of
section 154.

125. In section 155,—

(a) the following shall be substituted for sub-sections (1) and (2) :—

Substitution
of new
sub-sections
for sub-
sections (1)
and (2) of
section 155.

[*Vide supra*, p. 766.]

(b) in sub-section (3), the word "distrain" shall be substituted for the word "distress" wherever it occurs; and the words "bill, notice, schedule, form, summons" shall be inserted between the word "the" and the word "notice".

Amendment
of sub-section
(3) of section
155.

(c) the following shall be inserted as sub-section (4) :—

Addition of
a new
sub-section
to the same
section

[*Vide supra*, p. 766.]

126. For section 156 the following section shall be substituted :—

Substitution
of a new
section for
section 156.

[*Vide supra*, p. 766.]

127. In section 158, sub-section (2), the words "incorporated or registered" shall be omitted before the word "company"; for the word "a" before the words "local board" shall be substituted the word "the"; and at the end of the sub-section shall be added the words "unless he is a director of such companies".

Amendment
of section
158.

128. After section 162 the following sections shall be inserted, namely:—

Insertion of
new sections
after section
162.

[*Vide supra*, p. 768.]

129. In section 163, the words "bill, form or notice" shall be substituted for the word "notice" wherever it occurs; and the words "adult male member" and "adult male occupier" shall be substituted for the words "adult member" and "adult occupier", respectively.

Amendment
of section
163.

130. In section 166,—

Amendment
of section
166.

(a) in sub-section (1), the words "in case any fine, compensation, penalty or costs imposed or assessed by a Magistrate under or by virtue of this Act or of any bye-law made in pursuance thereof" shall be substituted for the words "whenever any fine imposed under or by virtue of this Act";

(b) in sub-section (2), for the words "such warrant" shall be substituted the words "any warrant of distress under this Act", and the words "or sum of money" shall be inserted after the words

Insertion of
sub-section
(2) with
certain

alterations
as a new
section.

“levy such fine” and after the words “amount of fine,” and this sub-section as so amended shall be inserted as section 166A;

Omission of
sub-section
(3).

(c) sub-section (3) shall be omitted.

Substitution
of a new
schedule for
Schedule A.

131. The following shall be substituted for Schedule A :—
[*Vide supra*, p. 772.]

Substitution
of a new
schedule for
Schedule B.

132. The following shall be substituted for Schedule B :—
[*Vide supra*, p. 772.]

Amendment
of Schedule
C.

133. In Schedule C, the word “fifteen” shall be substituted for the word “seven”.

APPENDIX.

I.—ENACTMENTS DECLARED IN FORCE IN, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874), TO, THE SCHEDULED DISTRICTS IN THE MADRAS PRESIDENCY.

The following is a list of the Scheduled Districts in the Madras Presidency (*see* Part I of first schedule of Act XIV of 1874, printed, General Acts, Volume II):—

I.—In Ganjam.¹

- (1) The Gumsur Maliahs, including Chokapad.
- (2) The Surada Maliahs.
- (3) The Chinna Kimedi Maliahs.
- (4) The Pedda Kimedi Maliahs.
- (5) The Bodaguda Maliahs.
- (6) The Surangi Maliahs.
- (7) The Parla Kimedi Maliahs.
- (8) The Muttas of Korada and Ronaba (otherwise called Srikarma).
- [(9) *The Chighattli Maliah.*] *Rep. by the Repealing and Amending Act, 1891 (XII of 1891).*
- (10) The Jurada Maliah.
- (11) The Jалантра Maliah.
- (12) The Mandasa Maliah.
- (13) The Budarasinghi Maliah.
- (14) The Kuttingia Maliah.

II.—In Vizagapatam.¹

- (1) The Jeypur Zamíndarí.
- (2) Golconda Hills, west of the River Boderu.²
- (3) The Madugol Maliahs.
- (4) The Kasipur Zamíndarí.
- (5) The Panchipenta Maliahs.

¹ As to tracts in this district in which the operation of the ordinary rules as to the administration of civil and criminal justice, as well as rules for the collection of revenue, were barred, *see* Act XXIV of 1839, *supra*, p. 103.

² The Ducharti and Guditeru Muttas in the Golconda Hills have been transferred from the Vizagapatam to the Godávari District—*see* Fort. St. George Gazette, 5th July, 1881, Pt. I, p. 336.

I.—Enactments declared in force in, or extended by Notification under the Scheduled Districts Act, 1874 (XIV of 1874), to, the Scheduled Districts in the Madras Presidency—continued.

- (6) The Mondemkolla, in the Merangi Zamíndarí.
- ¹[(7) The Konda Mutta of Merangi.]
- (8) The Gumma and Konda Muttas of Kurpam.
- (9) The Kottam, Ram and Konda Muttas of Palkonda.

III.—In the Godávari District.

- (1) The Bhadrachalam Taluq.
- (2) The Rakapilli Taluq.
- (3) The Rampa Country.
- ² (4) The unsettled Government villages in the Yernagudem Taluq.
- ² (5) The villages of the ex-Mansab of Jadengi.
- ² (6) The following petty proprietary estates:—
 - Bayanagudem.
 - Billamilli.
 - Jangamreddigudem.
 - Gutala.
 - Gangolu.
 - Patteshim.
 - Polavaram.
 - Petta.
 - Dandengi.
 - Viravaram.
 - Devipatnam.
- ³ [(7) The Ducharti and Guditeru Muttas in the Golconda Hills.]
- ⁴ [(8) The villages in the Godávari District to which s. 1 of 33 Viet., cap. 3, was applied.]

IV.—In the Indian Ocean.

- ⁵ The Laccadive Islands, including Minicoy.

¹ This clause was substituted for the original cl. (7) by the Repealing and Amending Act, 1891 (XII of 1891). That clause ran as follows:—

“(7) The Konda Mutta of Belgam.”

² The Government of India Act, 1870 (33 Viet., c. 3), has been declared to be applicable to these tracts—see Notification No. 912J, dated 25th June, 1883, Gazette of India, 1883, Pt. I, p. 265.

³ Transferred from the Vizagapatam to the Godávari District—see second footnote on preceding page.

⁴ See Gazette of India, 1891, Pt. I, p. 248.

⁵ No notification has been issued under the Scheduled Districts Act, 1874 (XIV of 1874), with respect to these islands.

I.—Enactments declared in force in, or extended by Notification under the Scheduled Districts Act, 1874 (XIV of 1874), to, the Scheduled Districts in the Madras Presidency—continued.

[The Scheduled Districts Act, 1874 (XIV of 1874), was brought into force in the Scheduled Districts in Madras, by the following notifications] :—

Dated 20th June, 1879.—In exercise of the power conferred by section 3 of Act XIV of 1874 (the Scheduled Districts Act), the Governor of Madras in Council is pleased, with the previous sanction of the Governor General in Council, to declare that the said Act is in force in the taluqs of Bhadrachalam and Rakapilli and the Rampa Country in the Godávári District.

[See Fort St. George Gazette, 1st July, 1879, Pt. I, p. 462.]

No. 82, dated the 19th February, 1889.—In exercise of the powers conferred by section 3 of the Scheduled Districts Act, 1874 (XIV of 1874), the Governor of Fort St. George in Council is pleased, with the previous sanction of the Governor General in Council, to declare that the Act is in force in all the Scheduled Districts of Madras in which it has not already been declared in force.

[See Gazette of India, 1889, Pt. I, p. 151, and Fort St. George Gazette, 1889, Pt. I, p. 121.]

No. 1604, dated the 11th August, 1893.—In exercise of the powers conferred by section 3 of the Scheduled Districts Act (XIV of 1874), and with the previous sanction of the Governor General in Council, the Governor of Fort St. George in Council is pleased to declare that the said Act is in force in the villages¹ in the Godávári District to which, by Resolution of the Secretary of State for India in Council, dated the 4th April, 1891, the provisions of section 1 of the Statute 53 Vict., cap. 3, were made applicable.

[See Gazette of India, 1893, Pt. I, p. 516.]

¹ For list of these villages, see Nos. 4, 5 and 6 in the list of Scheduled Districts under Division III, *supra*, p. 1056.

कुसुंभकुंकुमांभोव—त्रिचितं सूक्ष्मजंतुभिः ॥

तद् दृढेनापि वस्त्रेण, शक्यं नो शोधने जलम् ॥ २ ॥

I.—Enactments declared in force in, or extended by notification under the Scheduled Districts Act, 1874 (XIV of 1874), to, the Scheduled Districts in the Madras Presidency—continued.

1	2	3	4	5	6
Year.	No.	Short Title or Subject.	Places in or to which declared in force or extended.	Extent to which declared in force or extended.	Notification.
1.—Madras Regulations—contd.					
1802	III	The Madras Administration of Estates Regulation, 1802.	The Rampa Country	The whole Regulation	No. 1151, dated 3rd October, 1879.—In exercise of the power conferred by section 3 of the Scheduled Districts Act, 1874, the Governor in Council is pleased, with the previous sanction of the Governor General in Council, to declare that so much of each enactment mentioned in Schedules 1 and 2 hereof annexed, as is in force in those parts of the Presidency of Fort St. George which are not included in any Scheduled District is, in force likewise in the portions of the Godavari District mentioned in the third column of the said schedules.
					2. Nothing herein contained shall be deemed to affect the operation of any enactment in force in the above portions of the Godavari District and not mentioned in the said schedules :—
					(Here follow the schedules, containing, among other enactments, Madras Regulation III of 1802.)
					[See Gazette of India, 1879, Pt. I, p. 630, and Fort St. George Gazette, 1879, p. 723.]

"	"	Ditto	Taluqs of Bhadrachalam and Rakapilli.	Ditto	No. 1150, dated 3rd October, 1879.—In exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874, the Governor in Council is pleased, with the previous sanction of the Governor General in Council, to extend so much of each enactment mentioned in Schedules I and II hereto annexed, as is in force in those parts of the Presidency of Fort St. George which are not included in any Scheduled District, to those portions of the Godavari District mentioned in the third column of the said Schedules :—
					(Here follow the Schedules containing, among other enactments, Madras Regulation III of 1802.)
					[See Gazette of India, 1879, Pt. I, p. 630, and Fort St. George Gazette, 1879, Pt. I, p. 722.]
					See Notification No. 285, dated 4th July, 1898, <i>infra</i> , p. 1062.
					Ditto.
					See Notification No. 286, dated 4th July, 1898, <i>infra</i> , p. 1078.
					See Notifications Nos. 1150 and 1151, dated 3rd October, 1879, respectively, <i>supra</i> , pp. 1059 and 1058.
					Ditto.
					See Notification No. 285, dated 4th July, 1898, <i>infra</i> , p. 1062.
1801	XIX	The Indian Civil Service (Madras) Loans Prohibition Regulation, 1802.	Scheduled Districts in Ganjam and Vizagapatam.	Ditto	
"	XXV	The Madras Permanent Settlement Regulation, 1802.	Ditto	Ditto	
"	XXVI	The Madras Land Registration Regulation, 1802.	Scheduled Districts in Viragapatam.	Ditto	
1804	V	The Madras Court of Wards Regulation, 1804.	Taluqs of Bhadrachalam and Rakapilli and the Rampa Country.	Ditto	
1806	II	Collectors and Karams.	Ditto	Ditto	
1808	VII	The Madras State Offences Regulation, 1808.	Scheduled Districts in Ganjam and Vizagapatam.	Ditto	

1.—Enactments declared in force in, or extended by Notification under the Scheduled Districts Act, 1874 (XIV of 1874), to, the Scheduled Districts in the Madras Presidency—continued.

1	2	3	4	5	6
Year.	No.	Short Title or Subject.	Places in or to which declared in force or extended.	Extent to which declared in force or extended.	Notification.
<i>1.— Madras Regulations—concl.</i>					
1816	V	The Madras Village Panchayats Regulation, 1816.	The Rampa Country and the Taluqs of Bhadrachalam and Rakapilli.	The whole Regulation	See Notifications Nos. 1152 and 1151, dated 3rd October, 1879, respectively, printed, <i>supra</i> , pp. 1059 and 1058.
"	XI	The Madras Village-pole Regulation, 1816.	Ditto	Ditto	Ditto.
"	XII	The Madras Villages and Dispute Regulation, 1816.	Ditto	Ditto	Ditto.
1817	VII	The Madras Endowments and Escheats Regulation, 1817.	Ditto	Ditto	Ditto.
1819	II	The Madras State Prisoners Regulation, 1819.	Scheduled Districts in Ganjam and Vizagapatam, the Rampa Country, and the Taluqs of Bhadrachalam and Rakapilli.	Ditto	See Notification No. 285, dated 4th July, 1838, <i>infra</i> , p. 1062; Notifications Nos. 1150 and 1151, dated 3rd October, 1879, respectively, printed, <i>supra</i> , pp. 1059 and 1058.
1821	IV	The Madras Village-pole Regulation, 1821.	The Rampa Country and the Taluqs of Bhadrachalam and Rakapilli.	Ditto	See Notifications Nos. 1150 and 1151, dated 3rd October, 1879, respectively, printed, <i>supra</i> , pp. 1059 and 1058.

1822	IV	The Madras Permanent Settlement (Interpretation) Regulation, 1822.	The Scheduled Districts in Ganjam and Vizagapatam.	Ditto	See Notification No. 255, dated 4th July, 1898, <i>infra</i> , p. 1062.
"	VII	The Madras Native Public Officers Regulation, 1822.	Ditto	Ditto	Ditto.
"	IX	The Madras Revenue Malversation Regulation, 1822.	Ditto	Ditto	Ditto.
"	VII	The Madras Subordinate Collectors and Revenue Malversation (Amendment) Regulation, 1828.	The Scheduled Districts in Ganjam and Vizagapatam. The Rampa Country and the Taluqs of Bhadrachalam and Rakapilli.	The whole except section 6. The whole Regulation	Ditto. See Notification Nos. 1150 and 1151, dated 3rd October, 1879, respectively, printed, <i>supra</i> , pp. 1059 and 1058.
1829	V	The Madras Hindu Wills Regulation, 1829.	The Scheduled Districts in Ganjam and Vizagapatam.	Ditto	See Notification No. 285, dated 4th July, 1898, <i>infra</i> , p. 1062.
1830	I	The Madras Sati Regulation, 1830.	Ditto	Ditto	Ditto.
1831	V	The Madras Stamp Penalties Regulation, 1831.	Ditto	Ditto	Ditto.
"	VI	The Madras Hereditary Offices Regulation, 1831.	The Rampa Country and the Taluqs of Bhadrachalam and Rakapilli.	Ditto	See Notifications Nos. 1150 and 1151, dated 3rd October, 1879, respectively, printed, <i>supra</i> , pp. 1059 and 1058.
"	X	The Madras Sale of Minors' Estates Regulation, 1831.	Ditto	Ditto	Ditto.
1832	III	The Madras Revenue Malversation (Amendment) Regulation, 1832.	The Scheduled Districts in Ganjam and Vizagapatam.	Ditto	See Notification No. 285, dated 4th July, 1898, <i>infra</i> , p. 1062.

I.—Enactments declared in force in, or extended by Notification under the Scheduled Districts Act, 1874 (XIV of 1874), to, the Scheduled Districts in the Madras Presidency—continued.

1	2	3	4	5	6
Year.	No.	Short Title or Subject.	Places in or to which declared in force or extended.	Extent to which declared in force or extended.	Notification.

2.—Acts of the Governor General in Council.

1837	IV	The Property in Land Act, 1837.	Scheduled Districts in Ganjam and Vizagapatam.	The whole Act	No. 285, dated the 4th July, 1898.—In exercise of the powers conferred by section 3, clause (a), of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Governor of Fort St. George in Council is pleased to declare that the enactments specified in the list hereto annexed are in force in the Scheduled Districts in Ganjam and Vizagapatam. [Here follows the list.]
"	XXXVI	The Madras Public Property Malversation Act, 1837.	Ditto	Ditto	[See Gazette of India, 1898, Pt. I, p. 869, and Fort St. George Gazette, 1898, Pt. I, p. 666.]
1898	XXV	The Wills Act, 1838.	Ditto	Ditto	[See Notification No. 285, dated 4th July, 1898, <i>supra</i> .]

Appendix.

1839	VII. The Madras Rent and Revenue Sales Act, 1839.	The Scheduled Districts in Ganjam and Vizagapatam.	The whole Act	No. 289, dated the 4th July, 1898.—In exercise of the powers conferred by section 5 of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Governor of Fort St. George in Council is pleased to extend to the Scheduled Districts in Ganjam and Vizagapatam the enactments specified in the list hereto annexed. [Here follows the list, containing, among others, Act VII of 1839.]
"	XXIX The Dower Act, 1839.	Ditto . . .	Ditto	[See Gazette of India, 1898, Pt. I, p. 872, and Fort St. George Gazette, 1898, Pt. I, p. 637.]
"	XXX The Inheritance Act, 1839.	Ditto . . .	Ditto	See Notification No. 285, dated 4th July, 1898, <i>supra</i> , p. 1062.
"	XXXII The Interest Act, 1839.	Ditto . . .	Ditto	Ditto.
1841	XIX The Succession (Property Protection) Act, 1841.	The Taluqs of Bhadiachalam and Rakapilli and the Raumpa Country.	Ditto	Notification No. 1151, dated 3rd October, 1879, <i>supra</i> , p. 1058.
"	XXIV The Illusory Appointments and Infants Property Act, 1841.	The Scheduled Districts in Ganjam and Vizagapatam.	Ditto	See Notification No. 285, dated 4th July, 1898, <i>supra</i> , p. 1062.
1843	V The Indian Slavery Act, 1843.	Ditto . . .	Ditto	Ditto.
1847	XX The Indian Copy-right Act, 1847.	Ditto . . .	Ditto	Ditto.

1.—Enactments declared in force in, or extended by Notification under the Scheduled Districts Act, 1874 (XIV of 1874), to, the Scheduled Districts in the Madras Presidency—continued.

1	2	3	4	5	6
Year.	No.	Short Title or Subject.	Places in or to which declared in force or extended.	Extent to which declared in force or extended.	Notification.
2.—Acts of the Governor General in Council—cont'd.					
1850	XII	The Public Accountants' Defaults Act, 1850.	The Scheduled Districts in Ganjam and Vizagapatam.	The whole Act.	See Notification No. 285, dated 4th July, 1858, <i>supra</i> , p. 1062.
"	XVIII	The Judicial Officers' Protection Act, 1850.	The Scheduled Districts in Ganjam and Vizagapatam, and the Taluqs of Bhadiachalam and Rakapilli and the Rampa Country.	Ditto	See Notification No. 285, dated 4th July, 1858, <i>supra</i> , p. 1062, and No. 1151, dated October, 1879, <i>supra</i> , p. 1058.
"	XIX	The Apprentices Act, 1850.	The Scheduled Districts in Ganjam and Vizagapatam.	Ditto	See Notification No. 285, dated 4th July, 1858, <i>supra</i> , p. 1062.
"	XXI	The Caste Disabilities Removal Act, 1850.	Ditto	Ditto	Ditto.
"	XXXIV	The State Prisoners Act, 1850	(1) the Scheduled Districts in Ganjam; (2) the Scheduled Districts in Vizagapatam; (3) the following parts of the Godavari District, namely:— (a) the Ducharti and Gudituru Mantas;	Ditto	No. 268, dated 9th July, 1889.—In exercise of the powers conferred by section 3 of the Scheduled Districts Act, 1874, the Governor in Council is pleased, with the previous sanction of the Governor General in Council, to declare that Act XXXIV of 1850 (for the better custody of State Prisoners) and Act III of 1858 (to amend the law relating to the arrest and detention of State Prisoners) are in force in—

Appendix.

For a list of the districts, see column 4.]
[See Gazette of India, 1889, Pt. I, p. 434,
and Fort St. George Gazette, 1889, Pt. I,
p. 476.]

No. 297, dated 9th July, 1889.—In exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874, the Governor of Fort St. George in Council is pleased, with the previous sanction of the Governor General in Council, to extend Acts Nos. XXXIV of 1850 and III of 1858 to the Taluqs of Bhadrachalam and Rakapalli, in the Godavari District. [See Fort St. George Gazette, 1889, Pt. I, p. 476, and Gazette of India, 1889, Pt. I, p. 476.]

See Notification No. 255, supra, p. 1062.

No. 506, dated 17th July, 1899.—In exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the

¹ As to extension of Act XV of 1864 (Tola), under s. 3 thereof, to the Scheduled Districts in Vizagapatam, see Notification No. 440, dated 7th October, 1899, Fort St. George Gazette, 1899, Pt. I, p. 1486.

1.—*Enactments declared in force in, or extended by Notification under the Scheduled Districts Act, 1874 (XIV of 1874), to, the Scheduled Districts in the Madras Presidency—continued.*

1	2	3	4	5	6
Year.	No.	Short Title or Subject.	Places in or to which declared in force or extended.	Extent to which decreed in force or extended.	Notification.

2.—*Acts of the Governor General in Council—contd.*

1851	VIII — <i>contd.</i>				Governor of Fort St. George in Council is pleased to extend the Indian Tolls Act, 1851 (VIII of 1851), to the Scheduled Districts in Ganjam and Vizagapatam. [See Fort St. George Gazette, 1899, Pt. I, p. 888, and Gazette of India, 1899, Pt. I, p. 720.]
1852	XXX	The Indian Naturalization Act, 1852.	Scheduled Districts in Ganjam. The whole Act and Vizagapatam.		See Notification No. 285, <i>supra</i> , p. 1062.
1853	I	The Landholders' (Public Charges and Duties) Act, 1853.	Ditto	Ditto	Ditto.
"	XX	The Legal Practitioners Act, 1853.	Ditto	Ditto	Ditto.
1854	XXI	The Conveyance of Land Act, 1854.	Ditto	Ditto	Ditto.
1855	XI	The Mesne Profits and Improvements Act, 1855.	Ditto	Ditto	Ditto.

"	XII	The Legal Representatives' Suits Act, 1855.	Ditto	.	.	.	Ditto.
"	XIII	The Indian Accidents Act, 1855.	Ditto	.	.	.	Ditto.
"	XXIII	The Mortgaged Estates Administration Act, 1855.	Ditto	.	.	.	Ditto.
"	XXIV	The Penal Servitude Act, 1855.	Ditto	.	.	.	Ditto.
"	XXVIII	The Usury Law Repeal Act, 1855.	Ditto	.	.	.	Ditto.
1856	XI	The European Deserters Act, 1856.	Ditto	.	.	.	Ditto.
"	XV	The Hindu Widows' Re-marriage Act, 1856.	Ditto	.	.	.	Ditto.
1857	XI	The State Offences Act, 1857.	Ditto	.	.	.	See Notification No. 289, dated 4th July, 1889, <i>supra</i> , p. 1063.
"	XXV	The Forfeiture Act, 1857.	Ditto	.	.	.	See Notification No. 285, dated 4th July, 1898, <i>supra</i> , p. 1062.
1858	III	The State Prisoners Act, 1858.	Scheduled Districts in Ganjam and Vizagapatnam, the Taluqs of Bidadrachalam and Rakkapilli in the Godavari District, and the other parts of the Godavari District noted opposite Act XXXIV of 1850, column 4.				See Notification No. 268, dated 9th July, 1898, <i>supra</i> , p. 1064, and Notification No. 267, dated 9th July, 1889, <i>supra</i> , p. 1065.

1.—Enactments declared in force in, or extended by Notification under the Scheduled Districts Act, 1874 (XIV of 1874), to the Scheduled Districts in the Madras Presidency—continued.

1	2	3	4	5	6
Year.	No.	Short Title or Subject.	Places in or to which declared in force or extended.	Extent to which declared in force or extended.	Notification.
2.—Acts of the Governor General in Council—contd.					
1858	XXXV	The Lunacy (District Courts) Act, 1856.	The Laccative Island, including Minicoy.	The whole Act.	See Notification No. 285, dated 4th July, 1898, <i>supra</i> , p. 1062.
"	XXXVI	The Indian Lunatic Asylums Act, 1858.	The Scheduled Districts in Ganjam and Vizagapatam. The Scheduled Districts in Ganjam and Vizagapatam, the Taluqs of Bhadrachalam, and Rakapilli and the Rampa Country.	Ditto	See Notification No. 285, dated 4th July, 1898, <i>supra</i> , p. 1062, and Notification No. 1151, dated 3rd October, 1879, <i>supra</i> , p. 1058.
1859	IX	The Forfeiture Act, 1859.	Ditto	Ditto	Ditto.
"	XIII	The Workman's Breach of Contract Act, 1859.	The Scheduled Districts in Ganjam and Vizagapatam.	Ditto	No. 307, dated 17th July, 1899.—In exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council the Governor of Fort St. George in Council is pleased to extend the Workman's Breach of Contract Act, 1859 (XIII of 1859), to the Scheduled Districts in Ganjam. [Fort St. George Gazette, 1899, Pt. I, p. 888; Gazette of India, 1899, Pt. I, p. 720.]
					and No. 304, dated July, 17th, 1899.—In exercise of the power conferred by section

"	XXIV	The Madras District Police Act, 1859.	The Scheduled Districts in Ganjam and Vizagapatam, and the Taluqs of Bhadrachalam and Rakapilli.	Ditto	3(a) of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Governor of Fort St. George in Council is pleased to declare that the Workman's Breach of Contract Act, 1859 (XIII of 1859), is in force in the Scheduled Districts in Vizagapatam.
					[Fort St. George Gazette, 1859, Pt. I, p. 888; Gazette of India, 1899, Pt. I, p. 720.]
1860	XXI	The Societies Registration Act, 1860.	The Scheduled Districts in Ganjam and Vizagapatam.	Ditto	See Notification No. 285, dated 4th July, 1898, <i>supra</i> , p. 1062, and Notification No. 1150, dated 3rd October, 1879, <i>supra</i> , p. 1059.
"	XXVII	Collection of Debts on Succession.	The Taluqs of Bhadrachalam and Rakapilli and the Rampa Country.	Ditto	See Notification No. 285, dated 4th July, 1898, <i>supra</i> , p. 1062.
"	XXVIII	Boundary Marks, Madras.	The Scheduled Districts in Ganjam and Vizagapatam, the Bhadrachalam and Rakapilli Taluqs and the Datcheri and Gadiou Muttas in the Gollonda Hills in the Gollur District; the Rampa Country.	Ditto	Notification No. 1151, dated 3rd October, 1879, <i>supra</i> , p. 1058.
					No. 1601, dated the 11th August, 1898.
					Notification No. I.
					In exercise of the power conferred by section 3 of the Scheduled Districts Act (XIV of 1874), and with the previous sanction of the Governor General in Council, the Governor of Fort St. George in Council is pleased to declare that Act XXVIII of 1860 (an Act for the establishment and maintenance of boundary-marks, and for facilitating the settlement of boundary disputes, in the Presidency of Fort St. George) is in force in the Rampa Country, being a Scheduled District in the Gollur District.

¹ Repealed by the Succession Certificates Act, 1899 (VII of 1899), which extends to the whole of British India.

² This Act was repealed throughout the whole of the Madras Presidency by the Madras Survey and Boundaries Act, 1997 (Mad. Act IV of 1897).

i.—Enactments declared in force in, or extended by Notification under the Scheduled Districts Act, 1874 (XIV of 1874), to, the Scheduled Districts in the Madras Presidency—continued.

1	2	4	5	6
Year.	No.	Places in or to which declared in force or extended.	Extent to which declared in force or extended.	Notification.

2.—Acts of the Governor General in Council—contd.

1860 XXVIII
—contd.

Notification No. II.

In exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Governor of Fort St. George in Council is pleased to extend Act XXV-III of 1860 (an Act for the establishment and maintenance of boundary marks, and for facilitating the settlement of boundary-disputes, in the Presidency of Fort St. George) to the following districts, namely:—

I.—In Ganjam.

*The Gumsur Maliahs, including Chokapad.
The Suroda Maliahs.
The Chipna Kimeri Maliahs.
The Peada Kimeri Maliahs.
The Bodaguda Maliahs.
The Surangi Maliahs.
The Muttas of Korada and Ronabá (otherwise called Srikurma).
The Juradú Maliah.
The Jalandra Maliah.
The Mandasa Maliah.*

1861	V	The Police Act, 1861	Scheduled Districts in Ganjam and Vizagapatam.	The whole Act	<i>The Budarsinghi Maliah.</i> <i>The Kuttingia Maliah.</i>
"	IX	<i>Minors</i> ¹	<i>The Taluqs of Bhadrachalam and Kakapilli and the Rampu Country.</i>	Ditto	II.— <i>In Vizagapatam.</i> <i>The Jeypore Zamindari.</i> <i>Goleonda Hills, west of the river Boderu.</i> <i>The Madgula Maliahs.</i> <i>The Kasipur Zamindari.</i> <i>The Panchipenta Maliahs.</i> <i>Mondembollo in the Nurangi Zamindari.</i> <i>The Konda Multa of Meraugi.</i> <i>The Gumma and Konda Multas of Kurpam.</i> <i>The Kottan Ram and Konda Multas of Palkonda.</i>
1862	III	The Government Seal Act, 1862.	The Scheduled Districts in Ganjam and Vizagapatam.	Ditto	III.— <i>In the Godavari District.</i> <i>The Bhudrachalam Taluq.</i> <i>The Rakapilli Taluq.</i> <i>The Duckari and Gudileru Multas in the Golconda Hills.</i>
1863	XVI	The Excise (Spirits) Act, 1863.	Ditto	Ditto	<i>See Notification No. 280, dated 4th July, 1868, supra, p. 1063.</i>
"	XX	The Religious Endowments Act, 1863	Ditto	Ditto	<i>See Notification No. 1151, dated 3rd October, 1879, supra, p. 1058.</i>
					<i>See Notification No. 285, dated 4th July, 1898, supra, p. 1062.</i>

¹ Repealed by the Guardian and Wards Act, 1890 (VIII of 1890), which extends to the whole of British India, including these taluqs. The Act, however, was declared not to be force in the Scheduled Districts in Ganjam and Vizagapatam—*see* Gazette of India, 1898, Pt. I, p. 872.

1.—*Enactments declared in force in, or extended by Notification under the Scheduled Districts Act, 1874 (XIV of 1874), to, the Scheduled Districts in the Madras Presidency—continued.*

1	2	3	4	5	6
Year.	No.	Short Title or Subject.	Places in or to which declared in force or extended.	Extent to which declared in force or extended.	Notification.

2.—*Acts of the Governor General in Council—contd.*

		The Official Gazette Act, 1863.	The Scheduled Districts in Ganjam and Vizagapatam.	The whole Act	See Notification No. 285, dated 4th July, 1898, <i>supra</i> , p. 1062.
1863	XXXI				
1864	III	The Foreigners Act, 1864.	Ditto	Ditto	Ditto.
"	VI	The Whipping Act, 1864.	Ditto	Ditto	Ditto.
1865	III	The Carriers Act, 1865.	Ditto	Ditto	Ditto.
"	XV	The Parsi Marriage and Divorce Act, 1865.	Ditto	Ditto	Ditto.
"	XXI	The Parsi Intestate Succession Act, 1865.	Ditto	Ditto	Ditto.
1866	V	The Policies of Insurance (Marine and Fire) Assignment Act, 1866.	Ditto	Ditto	Ditto.
"	XXI	The Native Converts' Marriage Dissolution Act, 1866.	Ditto	Ditto	Ditto.

1867	XXVIII	The Trustees' and Mortgagees' Powers Act, 1866.	Ditto	Ditto	Ditto.
1867	XXV	The Press and Registration of Books Act, 1867.	Ditto	Ditto	Ditto.
1869	IV	The Indian Divorce Act, 1869.	Ditto	Ditto	Ditto.
"	XV	The Prisoners' Testimony Act, 1869.	The Scheduled Districts in Ganjam and Vizagapatam and the Taluqs of Bhadrachalam and Rakapilli in the Rampa Country.		See Notification No. 285, dated 4th July, 1898, <i>supra</i> , p. 1062, and Notification No. 1151, dated 3rd October, 1879, <i>supra</i> , p. 1058.
1870	VII	The Court-fees Act, 1870.	The Scheduled Districts in Ganjam and Vizagapatam.	Ditto	See Notification No. 287, dated 4th July, 1898, <i>supra</i> , p. 1062.
1871	I	The Cattle-trespass Act, 1871.	Ditto	Ditto	No. 303, dated 17th July, 1899.—In exercise of the power conferred by section 3 (a) of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Governor of Fort St. George in Council is pleased to declare that the following enactments are in force in the Scheduled Districts in Ganjam and Vizagapatam, namely:— The Cattle-trespass Act, 1871 (I of 1871), and the Indian Evidence Act, 1872 (I of 1872): [Fort St. George Gazette, 1899, Pt. I, p. 888; Gazette of India, 1899, Pt. I, p. 720.]

¹ Rep by the Prisoners Act, 1900 (III of 1900), which extends to the whole of British India, thereby including these districts and taluqs.

I.—Enactments declared in force in, or extended by Notification under the Scheduled Districts Act, 1874 (XIV of 1874), to, the Scheduled Districts in the Madras Presidency—continued.

1	2	3	4	5	6
Year.	No.	Short Title or Subject.	Places in or to which declared in force or extended.	Extent to which declared in force or extended.	Notification.
2.—Acts of the Governor General in Council—concluded.					
1871	V	The Prisoners Act, 1871.	The Scheduled Districts in Ganjam and Vizagapatam.	The whole Act	See Notification No. 285, dated 4th July, 1898, <i>supra</i> , p. 1062.
1872	I	The Indian Evidence Act, 1872.	Ditto	Ditto	See Notification No. 303, dated 17th July, 1899, <i>supra</i> , p. 1073.
1873	X	The Indian Oaths Act, 1873.	Ditto	Ditto	See Notification No. 285, dated 4th July, 1898, <i>supra</i> , p. 1062.
1874	IX	The European Vagrancy Act, 1874.	Ditto	Ditto	No. 410, dated the 13th September, 1899.—In exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Governor of Fort St. George in Council is pleased to extend the European Vagrancy Act, 1874 (IX of 1874), to the Scheduled Districts in Ganjam and Vizagapatam. [See Fort St. George Gazette, 1899, Pt. I, p. 1140.]
1877	I	The Specific Relief Act, 1877.	Tracts in the Godavari Agency to which it has not been extended.	Section 9	No. 44, dated the 12th January, 1900.—In exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Gov-

1882	XIV	Civil Procedure Code as amended by Act VII of 1888.	Extended to the Scheduled Districts in Ganjam and Vizagapatam the Godavari District and the Indian Ocean.	The Taluqs of Bhadrachalam and Rakapalli and the Raampa Country.	Sections 2 and 9	[See Gazette of India, 1900, Pt. I, p. 59, and Fort St. George Gazette, Notification No. 59, Pt. I, p. 169.] [Notification No. 1150, dated 3rd October, 1879, <i>supra</i> , p. 1059.]	ernor of Fort St. George in Council is pleased to extend section 9 of the Specific Relief Act, 1877 (1 of 1877), to those tracts in the Godavari Agency to which it has not hitherto been extended.
1888	VI	The Debtors Act, 1888.	Scheduled Districts in Ganjam and Vizagapatam.		Sub-section (1) of section 10.	[See Gazette of India, 1889, Pt. I, p. 151, and Fort St. George Gazette, 1889, Pt. I, p. 121.]	
1898	V	The Code of Criminal Procedure, 1898.	<i>Iditto</i>		The whole Act.	[See Notification No. 256, dated 4th July, 1898, <i>supra</i> , p. 1062.]	

¹ Ibid., except 6. N. in the rest of British India, by the Prisoners Act, 1900 (III of 1900).

I.—Enactments in force in, or extended by Notification under the Scheduled Districts Act, 1874 (XIV of 1874), to, the Scheduled Districts in the Madras Presidency—continued.

1	2	3	4	5	6
Year.	No.	Short Title or Subject.	Places in or to which declared in force or extended.	Extent to which declared in force or extended.	Notification.
1862	IV	The Madras Enfranchised Ináms Act, 1862.	The Scheduled Districts in Ganjam.	The whole Act	No. 305, dated 17th July, 1899.—In exercise of the power conferred by section 3, clause (a), of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Governor of Fort St. George in Council is pleased to declare that the following enactments are in force in the Scheduled Districts in Ganjam, namely :— Madras Act IV of 1862 (Enfranchised Ináms). Madras Act VIII of 1863 (Inám Deeds). [See Fort St. George Gazette, 1899, Pt. I, p. 888; Gazette of India, 1899, Pt. I, p. 720.]
1864	II	The Madras Revenue Recovery Act, 1864.	Scheduled Districts in Ganjam and Vizagapatam, the Taluqs of Bhadrachalam and Rakapilli and the Rampa Country.	Ditto	See Notification No. 285, dated 4th July, 1898, <i>supra</i> , p. 1062. See Notifications Nos. 1150 and 1151, dated 3rd October, 1879, respectively, <i>supra</i> , pp. 1059 and 1058.
"	III	Abkárí . . .	Portions of Scheduled Districts of Ganjam and Vizagapatam to which Madras Act I of 1866 has not been extended.	Ditto	No. 409, dated 13th September, 1899.—In exercise of the power conferred by section 3, clause (a), of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor

General in Council, the Governor of Fort St. George is pleased to declare that Madras Act III of 1861 (Abkari) is in force in the portions of the Scheduled Districts in Ganjam and Vizagapatam to which Madras Act I of 1886 (Abkari) has not been extended.
[See Fort St. George Gazette, 1899, Pt. I, p. 1140.]

Dated 27th July, 1880.—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act), the Governor of Madras in Council is pleased, with the previous sanction of the Governor General in Council, to extend Madras Act III of 1864 (an Act for amending the Abkari Laws of the Madras Presidency, beyond the limits of the Madras Abkari as prescribed by Act XIX of 1852) to the taluqs of Bhadrachalam and Rakapilli in the Godavari District.
[Fort St. George Gazette, 3rd August, 1880, Pt. I, p. 327.]

See Notification No. 1150, dated 3rd October, 1879, *supra*, p. 1059.

See Notifications Nos. 1150 and 1151, dated 3rd October, 1879, respectively, *supra*, pp. 1059 and 1058.

See Notification No. 289, *supra*, p. 1063.

The Taluqs of Bhadrachalam and Rakapilli.

Ditto

The Taluqs of Bhadrachalam and Rakapilli.

Ditto

The Taluqs of Bhadrachalam and Rakapilli and the Rampa Country.

Ditto

Scheduled Districts in Ganjam and Vizagapatam.

Ditto

1865

V The Madras District Police (Amendment) Act, 1865.

"

VI The Madras Official Seals Act 1865.

4 A 2

"

VII The Madras Irrigation Act, 1865.

I.—Enactments in force in, or extended by Notification under the Scheduled Districts Act, 1874. (XIV of 1874), to, the Scheduled Districts in the Madras Presidency—continued.

1	2	3	4	5	6
Year.	No.	Short Title or Subject.	Places in or to which declared in force or extended.	Extent to which declared in force or extended.	Notification.
1835	VIII	The Madras Rent Recovery Act, 1835.	Scheduled Districts in Vizagapatam, the Taluqs of Bhadrachalam and Rakapilli and the Rampa Country.	The whole Act	No. 286, dated the 4th July, 1898.—In exercise of the power conferred by section 3, clause (a), of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Governor of Fort St. George in Council is pleased to declare that the following enactments are in force in the Scheduled Districts in Vizagapatam, namely :— Regulation XXVI of 1802 (Sale and Sub-division of Malgunzari lands). Madras Act VIII of 1865 (Recovery of Rent). [See Gazette of India, 1898, Pt. I, p. 871, and Fort St. George Gazette, 1898, Pt. I, p. 667.] See Notification No. 1150, dated 3rd October, 1879, <i>supra</i> , p. 1059.
1866	II	The Madras Cattle-disease Act, 1866.	The Taluqs of Bhadrachalam and Rakapilli.	Ditto	See Notification No. 289, dated 4th July, 1898, <i>supra</i> , p. 1053.
1869	III	The Madras Revenue Act, 1869.	Scheduled Districts in Ganjam and Vizagapatam. The Taluqs of Bhadrachalam and Rakapilli and the Rampa Country.	Ditto	See Notifications Nos. 1150 and 1151, dated 3rd October, 1879, <i>respectively</i> , <i>supra</i> , pp. 1059 and 1058.

1870	VIII The Madras Inams Act, 1869.	Scheduled Districts in Ganjam.	Ditto	See Notification No. 305, dated 17th July, 1899, <i>supra</i> , p. 1076.
1871	I The Canals and Ferries Act, 1870. ¹	The Taluqs of Bhadrachalam and Rakapilli and the Rampa Country.	Ditto	See Notifications Nos. 1150 and 1151, dated 3rd October, 1879, respectively, <i>supra</i> , pp. 1059 and 1058.
1872	II The Madras Rent Recovery (Amendment) Act, 1871.	The Scheduled Districts in Ganjam and Vizagapatam, the Taluqs of Bhadrachalam and Rakapilli, and the Rampa Country.	Ditto	See Notification No. 285, <i>supra</i> , p. 1062. And see Notifications Nos. 1150 and 1151, dated 3rd October, 1879, respectively, <i>supra</i> , pp. 1059 and 1058.
1876	2I Police . . .	The Taluqs of Bhadrachalam and Rakapilli and the Rampa Country.	Ditto	See Notifications Nos. 1150 and 1151, dated 3rd October, 1879, respectively, <i>supra</i> , pp. 1059 and 1058.
1878	I The Madras Land-revenue Assessment Act, 1876.	The Scheduled Districts in Ganjam and Vizagapatam.	Ditto	See Notification No. 285, dated 4th July, 1899, <i>supra</i> , p. 1062.
1882	IV To amend Madras Act I of 1870 (Canal Tolls and Ferries).	The Taluqs of Bhadrachalam and Rakapilli and the Rampa Country.	Ditto	See Notifications Nos. 1150 and 1151, dated 3rd October, 1879, respectively, <i>supra</i> , pp. 1059 and 1058.
1892	V The Madras Forest Act, 1882.	Pondakhol Mutta situated in the Surada Malahs, in Ganjam.	Ditto	No. 247, dated the 18th June, 1895.—In exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Governor of Fort St. George in Council is pleased to extend the Madras Forest Act, 1882 (Madras Act V of 1882), to the Pondakhol Mutta situated in the Surada Malahs, being one of the Scheduled Districts in Ganjam. [See Gazette of India, 1895, Pt. I, p. 620.]

¹ This Act was repealed by Mad. Act II of 1899.² This Act was repealed by Mad. Act III of 1899.

I.—Enactments in force in, or extended by Notification under the Scheduled Districts Act, 1874 (XIV of 1874), to, the Scheduled Districts in the Madras Presidency—continued.

1	2	3	4	5	6
Year.	No.	Short Title or Subject.	Places in or to which declared in force or extended.	Extent to which declared in force or extended.	Notification.

3.—Acts of the Governor of Fort St. George in Council—contd.

1882	V—contd.	...	Kottam, Ram and Konda Muttas of Palkonda in Vizagapatam	The whole Act	No. 41, dated 14th January, 1890.—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act), the Governor of Madras in Council is pleased, with the previous sanction of the Governor General in Council, to extend Act V of 1882 (the Madras Forest Act) to the Kottam, Ram and Konda Muttas of the Scheduled Taluq of Palkonda in the Vizagapatam District. [See Fort St. George Gazette, 1890, Pt. I, p. 780.]
			The Rampa Country and the Ducharti and Guditeru Muttas in the Golconda Hills in the Godavari District.	Ditto	No. 180, dated 19th May, 1894.—In exercise of the powers conferred by section 5 of the Scheduled Districts Act, 1874, and with the previous sanction of the Governor General in Council, the Governor of Fort St. George in Council is pleased to extend the Madras Forest Act, 1882, to the Rampa Country and to the Ducharti and Guditeru Muttas in the Golconda Hills, being Scheduled Districts in the Godavari District. [See Fort St. George Gazette, 1894, Pt. I, p. 566.]

1874	The taluqs of Bhadrachala and Rakapilli.	Ditto	<p>No. 1127-F, dated 3rd December, 1885.—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act), the Governor of Madras in Council is pleased, with the previous sanction of the Governor General in Council, to extend Act V of 1882 (the Madras Forest Act) to the Scheduled taluqs of Bhadrachalam and Rakapilli in the Godavari District of the Madras Presidency.</p> <p>[Gazette of India, 1885, Pt. I, p. 660]</p>
1890	III The Madras Revenue Recovery (Amendment) Act, 1884.	Ditto	<p>See Notification No. 285, supra, p. 1062.</p>
"	V The Madras Local Boards Act, 1884.	The whole Act with certain modifications.	<p>Notification No. 88, dated the 23rd February, 1891, infra, p. 1083.</p>
1890	III The Madras Local Boards and Rent Recovery (Amendment) Act, 1890.	The whole Act	<p>See Notification No. 285, dated 4th July, 1898, supra, p. 1062.</p>

I.—Enactments in force in, or extended by Notification under the Scheduled Districts Act, 1874 (XIV of 1874), to, the Scheduled Districts in the Madras Presidency—concluded.

1	2	3	4	5	6
Year.	No.	Short Title or Subject.	Places in or to which declared in force or extended.	Extent to which declared in force or extended.	Notification.
1895	III	The Madras Hereditary Village Offices Act, 1895.	All the Scheduled Districts in the Godavari District except the Ducharti and Guditeru Muttas.	The whole Act	No. 132, dated the 12th March, 1896.—In exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874, and with the previous sanction of the Governor General in Council, the Governor of Fort St. George in Council is pleased to extend Madras Act III of 1895 (an Act to repeal Madras Regulation VI of 1831 and for other purposes) to all the Scheduled Districts in the Godavari District with the exception of the Ducharti and Guditeru Muttas. [See Gazette of India, 1896, Pt. I, p. 249.]
1896	V	Repealing Mad. Act III of 1892.	The Scheduled Districts in Ganjam and Vizagapatam.	Ditto	See Notification No. 289, dated 4th July, 1898, <i>supra</i> , p. 1063.

¹ This Act has now been repealed by the Repealing and Amending Act, 1901 (XI of 1901)—see the Third Schedule, Part III.

Notification extending the Madras Local Boards Act, 1884 (V of 1884), to certain villages which form a portion of the Párlá Kimerli Maliahs in the Scheduled Districts in Ganjam.

*No. 88, dated the 23rd February, 1894.—In exercise of the powers conferred by sections 5 and 5A of the Scheduled Districts Act (XIV of 1874) and with the previous sanction of the Governor General in Council, the Governor of Fort St. George in Council is pleased—

(1) to extend the Madras Local Boards Act, 1884 (Madras Act V of 1884), to the 122 villages mentioned in the Schedule annexed, which form a portion of the Párlá Kimerli Maliahs, comprised in the Scheduled Districts in Ganjam; and

(2) to declare that the said Madras Local Boards Act shall, in its application to the said villages, be subject to the following modifications, namely:—

(a) the words “or local area” shall be inserted after “district” in section 2, sub-section (2) :

(b) the words “and includes any other local area which, for the purposes of this Act, the Governor in Council may, by notification, declare to be attached to, and form part of, a district” shall be inserted at the end of clause (i) of section 3.

Schedule.

No.	Name of Muffa.	No.	Names of Villages.
1	Gumma.	1	Tamarda.
		2	Loba.
		3	Gopalapur.
		4	Bavanobuddi.
		5	Kristapur.
		6	Addangudda.
		7	Vottinjoriya.
		8	Ramehandrapuram.
		9	Chipuruppalle.
		10	Podigam.

Schedule—continued.

No.	Name of Mutta.	No.	Names of Villages.
1	Gumma— <i>contd.</i>	11	Radhakantapur.
		12	Parida.
2	Serango.	1	Ketada.
3	Ojjayagada	1	Arti.
4	Namanagram	1	Kamsipur.
		2	Pustopuram.
		3	Jagannadhapur.
		4	Londahatti.
		5	Kujasingi.
		6	Nnagam.
		7	Kalamasingi.
		8	Onchala.
		9	Buruji.
		10	Rempi.
		11	Buruda.
		12	Santosopuram.
		13	Laksmipuram
		14	Haripuram.
		15	Anandapuram.
		16	Savaraharipuram.
		17	Bidduva.
		18	Rasikorayopuram.
		19	Jolla.
		20	Vothmanamguda.
		21	Gangarajopuram.
5	Komalasingi	1	Komalasingi.
		2	Jenapuram.
		3	Konchimunda.
		4	Vobasingi.

Schedule—continued.

No.	Name of Mutta.	No.	Names of Villages.
5	Komalasingi— <i>contd.</i>	5	Soregolo.
		6	Thobarada.
		7	Kintada.
6	Rayagada	1	Demirijoli.
		2	Berujango.
		3	Raghunadapur.
		4	Dalinapur.
		5	Pegada.
		6	Surada.
		7	Koradasingi.
		8	Padmapuram.
		9	Govindapur.
		10	Domapur.
		11	Herapuram.
		12	Sannatundi.
		13	Bodatundi.
		14	Tuburusingi.
		15	Podasahi.
		16	Potisola.
		17	Marlava.
		18	Paindaguda.
		19	Koraisingi.
		20	Pothisahi.
		21	Toborosingi.
		22	Pekota.
		23	Nimelosingi.
		24	Jolango.
		25	Gopalapur.

Schedule—continued.

No.	Name of Muttā.	No.	Names of Villages.
6	Rayagada— <i>contd.</i>	26	Sunapur.
		27	Dumba.
		28	Mohane.
		29	Hattibadi.
		30	Rajapuram.
		31	Chompapur.
		32	Koitopodoro.
		33	Laigoda.
		34	Dikkasai.
		35	Kristnapuram.
		36	Sagarakristnapuram.
		37	Kharisahi.
		38	Ahalapur.
		39	Bhallisahi.
		40	Raida.
7	Narayanapuram	1	Narayanapuram.
		2	Bodagam.
		3	Lalusingi.
		4	Arkhabhodra.
		5	Lonjibhodra.
		6	Nilkantapuram.
		7	Kothoor.
		8	Sankurada.
8	Candahathi	1	Kinchilingi.
		2	Laupuru.
		3	Gandahathi.
		4	Ondbarojolla.
		5	Balarampuru.

Schedule—concluded.

No.	Name of Mutta.		Names of Villages.
	Gandahathi— <i>contd.</i>	6	Tholosingi.
		7	Ramchandrapuram.
		8	Godasingi.
		9	Mulignumma.
		10	Psilankonda.
	Lavanyakota	1	Balajeepuram.
		2	Garabandhomettu.
		3	Ranthopuram.
		4	Venkatapuram.
		5	Kanusoda.
		6	Mamidipalli.
		7	Jagannadhopuram.
		8	Boddapadu.
		9	Lavanyakota.
		10	Burripadu.
		11	Bhimopuram.
		12	Thoramba.
		13	Ambajarimettu.
		14	Burusahi.
		15	Ambajaril.
		16	Marangi.
		17	Boerugam.
		18	Somovolsa.
		19	Guddibhodra.
		20	Lavunda.
		21	Devla.
		22	Gongabado.
			[See Gazette of India, 1894, Pt. I, p. 168.]

11.—Enactments declared by Notification under the Scheduled Districts Act, 1874, not to be in force in certain parts of the Madras Presidency.

1	2	3	4	5	Notification.
Year.	No.	Short Title or Subject.	Place in which declared not to be in force.	Extent to which the enactment does not apply.	
1816		Village Munsifs	<p>I.—<i>Madras Regulations.</i></p> <p><i>Scheduled Districts in Ganjam and Vizagapatnam.</i></p>		
					No. 287, dated 4th July, 1898.—In exercise of the power conferred by section 3, clause (b), of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Governor of Fort St. George in Council is pleased to declare that the enactments specified in the list hereto annexed are not in force in the Scheduled Districts in Ganjam and Vizagapatnam.
"	V	The Madras Village Panchayats Regulation, 1816.	Ditto	Ditto	(Here follows the list, containing, among other enactments, Madras Regulation IV of 1816.)
"	VII	District Panchayats	Ditto	Ditto	[See Gazette of India, 1898, Pt. I, p. 872.]
1817	VII	The Madras Endowments and Escheats Regulation, 1817.	Ditto	Ditto	See Notification No. 287, <i>supra</i> .
"	VII	The Madras Subordinate Revenue Malversation (Amendment) Regulation, 1823.	Ditto	Section 6	Ditto.
1828					Ditto.

2. — Acts of the Governor General in Council.

		The Succession (Pro- perty Protection) Act, 1841.	The Scheduled Districts in Gan- jam and Vizagapatam.	The whole		See Notification No. 287, dated 4th July, 1898, <i>supra</i> , p. 1058.
1841	XIX					
1846	I	The Legal Practi- tioners Act, 1846.	Ditto	Ditto		Ditto.
1849	X	The Madras Revenue Commissioner Act, 1849.	Ditto	Ditto		Ditto.
1857	VII	The Madras Uncoer- ced Officers Act, 1857.	Ditto	Ditto		Ditto.
1858	I	The Madras Compul- sory Labour Act, 1858.	Ditto	Ditto		Ditto.
1863	XXIII	The Wastelands (Claims) Act, 1863.	Ditto	Ditto		Ditto.
1860	VIII	The Guardians and Wards Act, 1860.	Ditto	Ditto		Ditto.

3. — Act of the Governor of Fort St. George in Council.

		The Madras Rent Recovery Act, 1865.	The Scheduled Districts in Gan- jam.	The whole		No. 258, dated 4th July, 1898.—In exercise of the power conferred by section 2, clause (b), of the Scheduled Districts Act, 1874 (XIV of 1874) and with the previous sanc- tion of the Governor General in Council, the Governor of Fort St. George in Council is pleased to declare that Madras Act VIII of 1865 (Recovery of Rent) is not in force in the Scheduled Districts in Ganjam. [See Gazette of India, 1898, Pt. I, p. 572.]
1865	VIII					

¹ Now entirely repealed—see the Repealing and Amending Act, 1901 (XI of 1901), the Third Schedule, Part I.
² Repealed in the rest of the Madras Presidency by Act III of 1873.

III.—RULES AND ORDERS UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV of 1874).

DUCHARTI AND GUDITERU MUTTAS PLACED UNDER GOVERNMENT AGENT, GODÁVARI.

(Notification No. 217, dated 29th June, 1881, published in the Fort St. George Gazette, 5th July, 1881, page 336.)

In exercise of the powers conferred by Madras Act I of 1865 and section 6 of the Scheduled Districts Act (XIV of 1874), the Honourable the Governor of Fort St. George in Council is pleased to direct that, from and after the 1st July, 1881, the Ducharti and Guditeru Muttas in the Golconda Hills, Scheduled District in Vizagapatam, shall cease to be under the jurisdiction of the Agent to the Governor in Vizagapatam, and that the said Muttas shall be transferred to the Godávári District, and their administration shall be thereafter conducted by the Government Agent, Godávári, under the rules prescribed by General Order, 4th July, 1879, No. 1576.

RULES FOR THE GUIDANCE OF THE GOVERNMENT AGENT.

(Notification No. 507, dated 1st December, 1885, published in the Fort St George Gazette, December, 1885, Part I, page 824.)

Under section 6 of the Scheduled Districts Act, 1874, the Right Honourable the Governor of Fort St. George in Council is pleased to prescribe the following revised rules for the guidance of the Government Agent in the Godávári District :—

CIVIL JUSTICE.

Rule I, Clause 1.—The said Collector and District Magistrate shall, under the designation of Government Agent, be the Collector, District Magistrate, District Judge and Sessions Judge within the said scheduled districts. His Sub-Collector and Assistant Collectors and any other persons whom the Governor in Council may appoint shall be designated Assistant Government Agents.

Clause 2.—The Government Agent is empowered to appoint any of his principal native officers, or, with the sanction of Government, any other duly qualified persons, to exercise, in such places and within such portion of the scheduled districts as he may consider proper, the jurisdiction vested in the District Munsifs of the Madras Presidency subject to the modifications contained in these rules.

III.—Rules and Orders under the Scheduled Districts Act, 1874 (XIV of 1874)—continued.

RULES FOR THE GUIDANCE OF THE GOVERNMENT AGENT—continued.

Clause 3.—Such Munsifs shall not have cognizance of any suits for real or personal property exceeding in value 300 rupees, nor shall they at any time have cognizance of any suit in which any zamíndár or any mansabdár, muttadár or other feudal hill chief may be concerned: ¹ Provided that, subject to the proviso to clause 3 of rule 2, the Government Agent may transfer any suit in which a hill chief is concerned, if both parties desire such transfer or consent thereto and if the value of the suit does not exceed rupees three hundred, to the District Munsif within whose local jurisdiction the cause of action has arisen.

Clause 4.—The valuation of a suit will be made according to the provisions of section 7 of the Court-fees Act: [² Provided that the Agent, (³ an Assistant Agent) or any such Munsif may admit, without payment of institution-fee, any suit other than a suit brought to recover compensation for loss of caste, libel, slander, abusive language or assault if satisfied that the plaintiff is not able to pay]. Suits of the amount cognizable by the District Munsifs shall be instituted in the Courts of those Munsifs alone: Provided, however, that the Government Agent shall be at liberty at his discretion to transfer to his own Court or to that of an Assistant any suit cognizable by a District Munsif, [³ and that an Assistant Agent may similarly transfer any such suit to his own Court].

⁴ *Rule II, Clause 1.*—Suits, the value of the subject-matter of which does not exceed Rs. 5,000, but does exceed Rs. 300, shall be instituted in the Court of an Assistant Agent only: Provided that the Agent shall be at liberty at his discretion to transfer any of the suits referred to in this clause to his own Court from that of an Assistant.

Clause 2.—The Agent and his Assistants are hereby invested with the same powers to try and determine suits as are vested in the Collectors' Courts and in the District and Subordinate Courts of the Madras Presidency respectively, subject to the modifications contained in these rules.

Clause 3.—The Government Agent shall alone be competent to try and determine suits for real and personal property exceeding rupees 5,000 in

¹ The words "nor of suits *in forma pauperis*," etc., were repealed by G. O. No. 2123-J., dated 4th October, 1888, and these words added by G. O. No. 2548-J., dated 24th October 1894.

² These words were inserted by G. O. No. 2123, dated 4th October, 1888.

³ These words were inserted by G. O. No. 978-J., dated 11th May, 1893.

⁴ This rule was substituted for the original rule by G. O. No. 978-J., dated the 11th May, 1893.

III.—Rules and Orders under the Scheduled Districts Act, 1874 (XIV of 1874)—continued.

RULES FOR THE GUIDANCE OF THE GOVERNMENT AGENT—continued.

value, or for revenue-paying lands of which the annual produce exceeds rupees 500 : Provided, however, that claims of succession to, or of any interest in, the estates of any feudal hill chief shall not be entertained in any Civil Court, but that in all such cases the Government Agent shall submit, through the Board of Revenue, the result of his inquiries for the orders of Government.

Rule III, Clause 1.—The Civil Courts of each grade shall receive, try and determine suits hereby declared to be cognizable by those Courts if, in the case of suits for land or other immoveable property, such land and property shall be situate within the limits to which their respective jurisdictions may extend, and in all other cases if the cause of action shall have arisen, or the defendant at the time of commencement of the suit shall dwell or personally work for gain, within such limits. In no case will the Courts have jurisdiction to adjudicate upon property not within the jurisdiction of the Government Agent.

Clause 2.—The Government Agent is authorized at his discretion to employ such number of pleaders in his own Court or in the Courts of his Assistants and the District Munsifs as may from time to time appear to him necessary.

Clause 3.—The pleaders will be entitled to receive a fee according to the provisions of Regulation XIV of 1816¹ of the Madras Code. The Government Agent shall be competent to punish any misconduct of a pleader by fine not exceeding 50 rupees leviable as an arrear of land-revenue, or by cancellation of his sanad, or both.

Clause 4.—Any of the landholders described in rule I, clause 3, may, however, be permitted to conduct his business in the Courts by his own special mukhtár, but suits for the remuneration of such mukhtár shall not be received or filed in any Court.

² *Rule IV.*—In all original suits an appeal shall lie from the decree of a Munsif to the Court of an Assistant and from the decree of an Assistant to the Court of the Agent.

² *Rule V.*—The decision on appeal of an Assistant shall be final : Provided

¹ Repealed in the territories subject to the Government of Fort St. George to which the Legal Practitioners Act, 1879 (XVIII of 1879), has been extended, but it is not known that the Act has been extended to the Scheduled Districts in which these rules are in force.

² These rules were substituted for the original rules by G. O. No. 978-J., dated 11th May, 1893.

III.—Rules and Orders under the Scheduled Districts Act, 1874 (XIV of 1874)—continued.

RULES FOR THE GUIDANCE OF THE GOVERNMENT AGENT—continued.

that the Agent may, for reasons to be recorded, allow a special appeal to be presented to his Court against such decision.

Rule VI.—When an appeal shall be preferred from any Munsif's or Assistant's decision, it shall not be necessary to summon the respondent in the first instance, but forthwith the original record of the proceedings in the case shall be called for; and if, after the perusal of the record of the original suit and petition of appeal, the officer hearing the appeal shall see no reason to alter the decision appealed from, it shall be competent to him to dismiss the same with an endorsement on the petition of appeal that it has been so dismissed.

Rule VII.—The Government Agent or his Assistant, as the case may be, is empowered to call for further evidence in any case appealed, or to refer the suit back to the officer who originally decided it for further evidence and for a decree *de novo*. The Government Agent is likewise empowered, on the application of any party, in a suit decided by a Munsif or an Assistant but not appealed, to direct a review of judgment, and he is further competent to authorize a Munsif or an Assistant to review his own judgment on sufficient ground assigned, and also to remove to his own or any other Court within his jurisdiction, by precept under his official seal and signature, any suit, original or appellate, which may be pending in a lower Court, recording his reasons for so doing.

Rule VIII.—All decrees passed by the Government Agent on appeals from decrees of his subordinates shall be final, the High Court having the power on special grounds to require him to review his judgment as may be directed by them.

Rule IX.—From all decrees upon original suits passed by the Government Agent an appeal shall lie to the High Court.

Rule X, Clause 1.—With the exception of the Court of the Government Agent, who shall be at liberty, in the execution of decrees, to employ an Assistant or Munsif, all decrees of other Courts within his jurisdiction shall be carried into effect by the Court by which the suit may have been decided.

If the person against whom, or the property against which, it is sought to execute any decree resides, or is situated within, the jurisdiction of a Court of the same Agency other than the Court issuing the decree, such decree shall be executed in the manner provided in Rule XIV, clause 2, for the execution of other processes.

III.—Rules and Orders under the Scheduled Districts Act, 1874 (XIV of 1874)—continued.

RULES FOR THE GUIDANCE OF THE GOVERNMENT AGENT—continued.

Clause 2.—Decrees shall be executed by an order addressed to the proper officer of the Court; but no landed property shall be attached in execution of a decree unless the authority of the Government Agent shall have been previously obtained: [¹ Provided that the following properties shall not be liable to attachment: (a) the necessary wearing-apparel of the judgment-debtor, his wife and children; (b) tools of artisans and such implements of husbandry, cattle and seed-grain as are necessary to enable the judgment-debtor to earn his living; (c) stipends and gratuities payable to Government pensioners; (d) the salary due to a public officer, unless such salary exceeds rupees 20 per mensem, in which case a moiety may be attached; (e) the wages of labourers and domestic servants].

Clause 3.—Whenever it is sought to execute within the Agency tracts a decree passed by a Court in British India situated beyond the Agent's jurisdiction, the Court issuing the decree shall forward the decree and a copy of the judgment in the suit to the Agent, who shall cause the decree to be executed in the manner provided by these rules for the execution of the decree of his own Court:

Provided that, for reasons to be recorded, the Agent may refuse to cause any such decree to be executed, or may at any stage of the execution order the execution of any such decree to be stayed. Such refusal or order of the Agent shall be subject to revision by the Governor in Council.

In every case the Agent shall furnish to the Court issuing the decree a certificate of execution or a copy of his order refusing to execute or staying the execution of the decree.

² *Rule XA, Clause 1.*—In order to provide for the custody of moveable property which has been attached under the orders of a Civil Court, the Agent may, with the sanction of Government, appoint a curator for any Court or group of Courts.

Clause 2.—The said curator shall receive such remuneration as the Agent may, with the approval of Government, from time to time determine; and he shall furnish security to such amount, and enter into a bond in such form, as the Agent may direct, for the proper performance of his duties.

Clause 3.—All moveable property attached under orders of the Court

¹ This proviso was added by G. O. No. 746-J., dated 26th April, 1889.

² Rule XA was inserted by G. O. No. 2208-J., dated 23rd October, 1893.

III.—Rules and Orders under the Scheduled Districts Act, 1874 (XIV of 1874)—continued.

RULES FOR THE GUIDANCE OF THE GOVERNMENT AGENT—continued.

or of any one of the group of Courts shall be placed in the custody of the said curator:

Provided that the property, if it consists of live-stock, agricultural implements or other articles which cannot conveniently be removed from the locality where the attachment is effected, may be left in the locality where it has been attached at the instance, and in the charge, of the judgment-debtor, the decree-holder or any other person claiming to be interested therein, on condition that the judgment-debtor, decree-holder or such other person enters into a bond with one or more sufficient sureties to keep the property safely and to produce it when called upon to do so.

Clause 1.—Every person who applies to a Court for the attachment of moveable property shall deposit, in addition to the process-fee, a sum, to be fixed by the Court, which shall be sufficient to cover the remuneration of the curator and all expenses connected with the removal, custody, preservation and maintenance of the property attached. The sum so deposited shall be recoverable as costs of the suit.

Rule XI, Clause 1.—The Government Agent is authorized, at his discretion, to refer any suit or special questions in a suit, whether pending before himself, his Assistants or Munsifs, for examination and judgment by a pancháyat, to consist of three or five persons, to be selected by the Government Agent or by his Assistant, after the plaintiff and defendant have had notice and the witnesses have been assembled.

The Assistant Government Agents shall be competent to exercise a similar discretion in regard to suits pending before themselves [¹or the Munsifs] under these rules.

The plaintiff and defendant or their pleaders or mukhtárs shall each be permitted to challenge any members of the pancháyat; and, on sufficient reason being given for the challenge, another person or persons shall be selected to supply his or their place.

The officer referring the suit to a pancháyat shall name one of the pancháyatdárs to act as the foreman, and at the request of the pancháyatdárs shall secure the attendance of all parties required for the trial of the suit. If the pancháyatdárs are divided in opinion, the opinion of the majority shall be the award of the pancháyat. Any of the pancháyatdárs may, if he chooses,

¹ These words were inserted by G. O. No. 978-J., dated 11th May, 1893.

III.—Rules and Orders under the Scheduled Districts Act, 1874 (XIV of 1874)—continued.

RULES FOR THE GUIDANCE OF THE GOVERNMENT AGENT—*continued.*

record his reasons of dissent separately, and the same shall form part of the record of the suit.

Clause 2.—When a pancháyat has been nominated, the officer referring the suit shall immediately direct a gumáshta or clerk to attend the pancháyat, whose duty it shall be, under the direction of the pancháyat, to record their proceedings and award; and the pancháyat shall assemble at some convenient place in his kachahri or Court or adjoining it to investigate the matter at issue.

Clause 3.—When the pleading shall have been closed and evidence taken, the pancháyat shall direct the parties and gumáshta or clerk to retire, and shall consult and decide on their award; and, when they have come to a decision, they shall re-call the gumáshta or clerk to record the award, which award, having been duly attested with their signature, they shall deliver to the officer appointing the pancháyat, by whom, if approved, a decree in conformity therewith shall be passed, which decree, in cases where the pancháyat has been assembled by a subordinate, shall, previous to its execution, be submitted to the Government Agent, who shall either confirm, modify or reverse the award or remand the case for further investigation or re-investigation by a pancháyat or otherwise as may to him seem expedient. When any such award shall be disapproved by the officer appointing the pancháyat as illegal or defective on the face of it, he shall restore the suit and proceed to determine it himself.

Rule XII.—The Government Agent will submit to the High Court half-yearly statements of the number of cases filed and disposed of by himself or his Assistants, or by the Munsifs, prepared in such form as may be by them prescribed.

Revenue Rules.

Rule XIII, Clause 1.—In conducting their local duties in the Revenue Department, the Government Agent and his Assistants will be guided by the rules in force for the time being.

Clause 2.—The Government Agent and his Assistants will continue in their revenue capacity subject to the general control and orders of the Board of Revenue.

Clause 3.—It shall not, however, be incumbent on the Board of Revenue to interfere, except in matters referred to them by the Government Agent, unless a strong necessity for such interference shall appear.

III.—Rules and Orders under the Scheduled Districts Act, 1874 (XIV of 1874)—continued.

RULES FOR THE GUIDANCE OF THE GOVERNMENT AGENT—concluded.

General Rules.

Rule XIV, Clause 1.—All civil processes of the Court situated within the Agent's jurisdiction shall be served through the headman of the village or estate where the defendant may reside, or through the jamadár or the head peon of the Court, by whom it shall be returnable on a fixed day with an endorsement certifying the manner in which it may have been served.

Clause 2.—When the person to or against whom any process is issued resides within the jurisdiction of any Court of the same Agency other than the Court issuing the process, the latter Court shall forward the process to the Court of the Divisional Assistant within whose jurisdiction the person to or against whom the process is issued resides. The Court receiving the process shall cause the same to be executed as though it were issued by such Court, but, in any case in which such Court considers the execution of the process advisable, it may refuse to execute the process pending the orders of the Agent.

Rule XV.—All civil processes issued, at the instance of any authority in British India situated beyond the jurisdiction of the Government Agent, to or against any person subject thereto or situated therein, shall be forwarded by letter to the Government Agent, who shall execute the same as if it were his own process, returning the said process by letter to the authority from whom it issued duly endorsed by his proper officer showing what has been done thereon :

Provided that, for reasons to be recorded, the Agent may refuse to execute, or may stay the execution of, any such process. Such refusal or order of the Agent shall be subject to revision by the Governor in Council.

Rule XVI.—All petitions against the proceedings of the Government Agent must, in the first instance, be submitted to the Government, and will be referred, when necessary, either to the High Court or the Board of Revenue, as the case may be.

Rule XVII.—Reference will be made to the Government by the Government Agent in all cases not provided for by the rules.

IV.—RULES AND ORDERS UNDER THE GANJAM AND VIZAGAPATAM ACT, 1839 (XXIV OF 1839), FOR THE ADMINISTRATION OF JUSTICE AND COLLECTION OF REVENUE IN GANJAM AND VIZAGAPATAM.

G. O. No. 931-J., dated 24th July, 1860.

RULES FOR THE GUIDANCE OF THE GOVERNOR'S AGENTS IN GANJAM AND VIZAGAPATAM.

Criminal Justice.

Rules I to VI, relating to Criminal Justice, cancelled—*vide* G. O., 6th January, 1863, No. 10, declaring the Code of Criminal Procedure to be in force.

Civil Justice.

¹ *Rule VII, Clause 1.*—Every opportunity shall be taken by the Agent and his subordinates to get the hill people to resort to Heads of Villages and Village Pancháyats or to District Pancháyats for the settlement of their claims against one another * * * * *

² *Clause 2.*—No suit regarding any claim to land-revenue bestowed or continued by the British Government on feudatory tenure being cognizable by the Courts, the investigation and disposal of such cases are provided by Rule X, clause 3, *infra*.

Rule VIII.—Estates of minors and other incapacitated persons will be managed by the Agent, with the sanction of Government, under the orders of the Board of Revenue, without Regulation V of 1804 being made specially applicable to the Agent's jurisdiction.

⁴ *Rule IX, Clause 1.*—The Agent is empowered to appoint any of his principal native officers, or, with the sanction of Government, any other duly qualified persons, to exercise in such places and within such portion of the jurisdiction assigned to the Agent as he may consider proper, the judicial and other powers vested in District Munsifs by the Madras Code and the Acts applicable to that Presidency: Provided that they shall not have cognizance of any suit in which any Zamíndár or Bissoye or other Feudal Chief may be concerned.

¹ Clause 1 of Rule VII was substituted by G. O. No. 1377-J., dated 14th July, 1881.

² The latter portion of this clause beginning "*Vide* Regulations" was ordered to be omitted by G. O. No. 446-J., dated 28th February, 1895.

³ Clause 2 of Rule VII was substituted by G. O. No. 1377-J., dated 14th July, 1881.

⁴ Clause 1 of Rule IX was substituted by G. O. No. 1532, dated 23rd September, 1863.

IV.—Rules and Orders under the Ganjam and Vizagapatam Act, 1839 (XXIV of 1839), for the Administration of Justice and Collection of Revenue in Ganjam and Vizagapatam—continued.

RULES FOR THE GUIDANCE OF THE GOVERNOR'S AGENTS IN GANJAM AND VIZAGAPATAM—continued.

Clause 2.—^{[1} The Court-fees Act extending to the whole of British India, the valuation of all suits instituted before the Agent or his subordinates will be made according to the provisions of section 7 of that enactment] : ^{[2} Provided that the Agent or any Agency Munsif may admit, without payment of institution-fee, any suit other than a suit brought to recover compensation for the loss of caste, libel, slander, abusive language or assault, if satisfied that the plaintiff is not able to pay.]

¹ *Clause 3.*—The Agency Munsifs shall not, however, have cognizance of any suits exceeding in value Rs. 500; nor of any suit in which any Zamindár, Bissoye, Muttadár or other Feudal Hill Chief may be concerned.

* * *

⁴ *Rule X. Clause 1.*—With the exception, firstly, of the particular suits described in the preceding rule, which are cognizable by the Munsifs, and secondly, of the suits described in clauses 2 and 3 of the present rule, all suits shall be instituted in the Court of the Divisional Assistant: Provided always that the Divisional Assistant may transfer any civil suit of a value not exceeding Rs. 500 instituted before him to any Munsif within his division for trial.

⁴ *Clause 2.*—Suits exceeding Rs. 5,000 in value shall be instituted in the Court of the Agent, who may, however, when he thinks proper, refer any such suit for the decision of the Divisional Assistant.

Clause 3.—^{[5} On the death, resignation or removal of any proprietor,] the Agent shall personally investigate all claims to the succession of Hill Zamindáris or other landed possessions held on feudatory tenures; and shall, through the Board of Revenue, submit the result of his enquiry for the orders of Government, who, should there be more than one claimant, will exercise their inherent right to select as successor the one among them most acceptable to the people, and best qualified to fulfil the duties of the situation.

¹ The first sentence of clause 2 and clause 3 of Rule IX was substituted by G. O. No. 1377-J., dated 14th July, 1881.

² This proviso was added by G. O. No. 2123-J., dated 4th October, 1888.

³ The words "nor of suits in *forma pauperis*" were deleted by G. O. No. 2123-J., dated 4th October, 1888.

⁴ Clauses 1 and 2 of Rule X were substituted by G. O. No. 1377-J., dated 14th July, 1881.

⁵ The words "On the death, resignation or removal of any proprietor" in clause 3 of rule X were added by G. O. No. 1377-J., dated 14th July, 1881.

IV.—Rules and Orders under the Ganjam and Vizagapatam Act, 1839 (XXIV of 1839), for the Administration of Justice and Collection of Revenue in Ganjam and Vizagapatam—continued.

RULES FOR THE GUIDANCE OF THE GOVERNOR'S AGENTS IN GANJAM AND VIZAGAPATAM—continued.

But this shall not affect the succession to estates held under the sanad-i-milkíyat-istimrár.

¹ *Clause 4.*—For the trial and determination of suits coming before them, the Agent and his Divisional Assistants are hereby vested with the same powers as are vested in the District and Subordinate Courts, or in the Collectors' Courts of the Madras Presidency, respectively, subject to the modifications in these rules contained.

¹ *Clause 5.*—The Civil Courts of each grade shall receive, try and determine suits hereby declared to be cognizable by those Courts, if, in the case of suits for land or other immoveable property, such land or property shall be situate within the limits to which their respective jurisdictions may extend, and in all other cases, if the cause of action shall have arisen or the defendant at the time of commencement of the suit shall dwell or personally work for gain within such limits.

² *Rule XI, Clause 1.*—The Agent is authorized at his discretion to appoint such number of Pleaders in his own Court or in the Courts of his Assistants and the District Munsifs, as may from time to time appear to him necessary. But Zamíndárs within the Agency tracts are at liberty to conduct their business in the Courts either in person or by their own special Mukhtárs; and suits for the remuneration of such Mukhtárs shall not be received or filed in any Court.

² *Clause 2.*—The Pleaders will be entitled to receive a fee according to the provisions of Regulation XIV of 1816³ of the Madras Code. The Agent shall be competent to punish any misconduct of a Pleader by fine not exceeding Rs. 50, leviable as an arrear of land-revenue, or by cancellation of his sanad, or both.

Rule XII, Clause 1.—Except where otherwise provided in the following rules, the trial of civil suits shall be conducted by the Agent and his subordinates in the manner at present observed, namely:—

Clause 2.—The parties or their Pleaders may tender, at the first hearing of the suit, written statements of their respective cases on stamp paper

¹ Clauses 4 and 5 of Rule X were substituted by G. O. No. 1377-J., dated 14th July, 1881.

² Clauses 1 and 2 of Rule XI were substituted by G. O. No. 1377-J., dated 14th July, 1881.

³ Rep. by Mad. Act II of 1882. Now spent.

IV.—Rules and Orders under the Ganjam and Vizagapatam Act, 1839 (XXIV of 1839), for the Administration of Justice and Collection of Revenue in Ganjam and Vizagapatam—continued.

• RULES FOR THE GUIDANCE OF THE GOVERNOR'S AGENTS IN GANJAM AND VIZAGAPATAM—continued.

prescribed for petitions to the Court, when a stamp is requisite for petitions, but no written statement shall be received after the first hearing of the suit, unless called for by the Court.

Clause 3.—The Agent or his subordinates may at any time before final judgment call for a written statement, or an additional written statement, from any of the parties on plain paper.

Clause 4.—Written statements shall be as brief as the nature of the case will admit, and shall not be argumentative, nor by way of answer one to the other; but each statement shall be confined, as much as possible, to a simple narrative of the facts which the party, by whom or on whose behalf it is made, believes to be material to the case, and which he believes he will be able to prove, if called upon by the Court.

Clause 5.—The Court may reject a written statement which may appear to be argumentative, or unnecessarily prolix, or containing matter irrelevant to the suit, and the party whose written statement is rejected for any of these causes shall not be permitted to present another written statement, unless it shall be expressly called for or allowed by the Court.

Clause 6.—If at the first hearing of a suit it shall appear that the parties are not at issue on any question of law or fact, the Court may at once give judgment.

Clause 7.—When the parties are at issue on some question of law or fact, if the Court shall be satisfied that no further argument or evidence than such as the parties or their Pleaders can at once supply is required upon any such of the issues of law or fact as may be sufficient for the decision of the suit, the Court, after hearing such argument and evidence, may proceed to determine such issue or issues, and, if the finding thereon is sufficient for the decision, may pronounce judgment accordingly; otherwise the Court shall postpone the further hearing of the suit and shall fix a day for the production of such further evidence or for such further argument as the case may require: Provided that, if either party shall fail without sufficient cause to produce the evidence on which he relies, the Court may at once give judgment.

¹ *Rule XIII.*—The rules prescribed by the Code of Civil Procedure² for the examination of witnesses in appealable cases will apply to all civil trials held before the Agent and his subordinates.

¹ Rule XIII was substituted by G. O. No. 1377-J., dated 14th July, 1881.
See now Act XIV of 1882, printed, General Acts, Vol. IV.

IV.—Rules and Orders under the Ganjam and Vizagapatam Act, 1839 (XXIV of 1839), for the Administration of Justice and Collection of Revenue in Ganjam and Vizagapatam—continued.

RULES FOR THE GUIDANCE OF THE GOVERNOR'S AGENTS IN GANJAM AND VIZAGAPATAM—continued.

Rule XIV.—As soon as judgment is declared in simple suits for recovery of money, the accompanying form will be filled up, describing the suit and judgment, and shall be delivered to the successful party.

Rule XV, Clause 1.—Parties, by mutual consent, shall be at liberty at any stage of the proceedings to settle all suits by razinama, upon both parties making it a record in the Court where the suit is filed.

¹ *Clause 2.*—In all suits settled by razinama, the plaintiff shall be entitled to receive back half the amount of stamp-duty paid on the plaint, if the razinama shall have been presented before any hearing of the suit had been held.

² *Rule XVI.*—From decrees in original suits disposed of by Munsifs, an appeal shall lie to the Divisional Assistant, and, from decrees in all original suits disposed of by the Divisional Assistants, an appeal shall lie to the Agent: Provided the petition of appeal be preferred within six weeks from the date of passing the decree, or the appellant can show just and reasonable cause to the satisfaction of the Appellate Court for not having preferred it within that period.

² *Rule XVII.*—The appellate decision of Divisional Assistants shall be final: Provided that the Agent shall be at liberty, for special reasons to be recorded, to admit a special appeal in his Court within the time prescribed above for the admission of a regular appeal.

Rule XVIII.—When an appeal shall be preferred from the Munsif's or the Assistant's decisions, it shall not be necessary to summon the respondent in the first instance, but forthwith the original record of the proceedings in the case shall be called for; and if, after the perusal of the record of the original suit and petition of appeal, the officer hearing the appeal shall see no reason to alter the decision appealed from, it shall be competent to him to dismiss the same, with an endorsement on the petition of appeal that it has been so dismissed. Should the officer hearing the appeal, on the contrary, see cause not to adopt such proceeding, he will cause a notice to be issued to the respondent, and proceed therein as directed by the [³Code of Civil Procedure].

¹ Clause 2 of rule XV was substituted by G. O. No. 1693-J., dated 13th October, 1862.

² Rules XVI and XVII were substituted by G. O. No. 1377-J., dated 14th July, 1881.

³ The words "Code of Civil Procedure" were substituted by G. O. No. 1377-J., dated 14th July 1881. For the Code of Civil Procedure see General Acts, Vol. IV.

IV.—Rules and Orders under the Ganjam and Vizagapatam Act, 1839 (XXIV of 1839), for the Administration of Justice and Collection of Revenue in Ganjam and Vizagapatam—continued.

*** RULES FOR THE GUIDANCE OF THE GOVERNOR'S AGENTS IN GANJAM AND VIZAGAPATAM—continued.**

Rule XIX.—The Agent or Assistant, as the case may be, is empowered to call for further evidence in any case appealed, or to refer the suit back to the officer who originally decided it for further evidence and for a decree *de novo*. The Agent is likewise empowered, on the application of any party in a suit decided by a Munsif or an Assistant but not appealed, to direct a review of judgment: Provided sufficient cause be shown and the application be preferred within six weeks, or satisfactory cause given why that period has been exceeded; and the Agent is further competent to authorize a Munsif or an Assistant to review his own judgment on sufficient ground assigned; and also to remove to his own or to any other Court in the jurisdiction, by precept under his official seal and signature, any suit which may be pending in a lower Court, recording his reason for so doing.

Rule XX.—All decrees passed by the Agent on appeals from decrees of his subordinates shall be final, the Sadr Court having the power on special grounds to require him to review his judgment, as directed by them.

Rule XXI.—From all decrees upon original suits passed by the Agent (with the single exception specified in the next following rule), an appeal shall lie to the Sadr Court to be disposed of as provided in section 6, Act XXIV of 1839: Provided such appeal is preferred either to the Agent or the Sadr Court within three months after the Agent's decision; or after that period, if sufficient cause can be assigned to the Sadr Court for any delay which may have occurred by petition on the prescribed stamp, and subject to the other rules required in other appeals, to the Sadr Court, as provided in the Madras Code and Acts applicable to that Presidency.

Rule XXII.—From the decrees of the Agent in suits wherein the lauded possession of a Zamíndár, Bissoye or other Feudal Hill Chief may have formed the subject of litigation, an appeal will lie to the Governor in Council alone, who may refer any such appeal for the decision of the Sadr Court: Provided that the decree of the latter Court shall not be carried into execution without the permission of the Governor in Council.

Rule XXIII.—In cases in which a witness may reside at a considerable distance, or may be unable from sickness or other cause to attend the Court,

IV.—Rules and Orders under the Ganjam and Vizagapatam Act, 1839 (XXIV of 1839), for the Administration of Justice and Collection of Revenue in Ganjam and Vizagapatam—continued.

RULES FOR THE GUIDANCE OF THE GOVERNOR'S AGENTS IN GANJAM AND VIZAGAPATAM—continued.

his deposition may be taken by the nearest [¹Divisional Assistant or Munsif] on written interrogatories to be transmitted by the Court.

Rule XXIV, Clause 1.—All civil process of the Courts situated within the Agent's jurisdiction shall be served through the headman of the village or estate where the defendant may reside or through the Jemadár of the Court, by whom it shall be returnable on a fixed day, with an endorsement certifying the manner in which it may have been served.

² *Clause 2.*—When the person to or against whom any process is issued resides within the jurisdiction of any Court of the same Agency other than the Court issuing the process, the latter Court shall forward the process to the Court of the Divisional Assistant within whose jurisdiction the person to or against whom the process is issued resides. The Court receiving the process shall cause the same to be executed as though it were issued by such Court, but, in any case in which such Court considers the execution of the process inadvisable, it may refuse to execute the process pending the orders of the Agent.

Rule XXV.—As a general rule a party in whose favour a decree is passed in suits for money claims may obtain execution thereof by the production of the document referred to in rule XIV and without any formal petition; but the Agents are at liberty, when they deem it advisable, to have execution applied for in the manner at present observed.

Rule XXVI, Clause 1.—With the exception of the Court of the Agent, which shall be at liberty in the execution of decrees to employ an Assistant or Munsif, all decrees of other Courts within his jurisdiction shall be carried into effect by the Court by which the suit may have been [³originally] decided. [⁴If the person against whom or the property against which it is sought to execute any decree resides or is situated within the jurisdiction of a Court of the same Agency other than the Court issuing the decree, such decree shall be executed in the manner provided in rule XXIV, clause 2, for the execution of other process.]

¹ The words "Divisional Assistant or Munsif" were substituted by G. O. No. 1377-J., dated 14th July, 1881.

² Clause 2 of rule XXIV was substituted by G. O. No. 2064-J., dated 8th August, 1885.

³ The word "originally" was added by G. O. No. 1377-J., dated 14th July, 1881.

⁴ The sentence was added by G. O. No. 2064-J., dated 8th August, 1885.

IV.—Rules and Orders under the Ganjam and Vizagapatam Act, 1839 (XXIV of 1839), for the Administration of Justice and Collection, of Revenue in Ganjam and Vizagapatam—continued.

RULES FOR THE GUIDANCE OF THE GOVERNOR'S AGENTS IN GANJAM AND VIZAGAPATAM—continued.

Clause 2.—Decrees shall be executed by an order addressed to an officer of the Court or the headman of the village in which the debtor may usually reside, or where the property may be situated, if the decree be for personal property or a sum of money, by causing the specific thing to be delivered or the value of it or the sum of money decreed to be levied by the public sale by auction of a sufficient portion, or if requisite for the satisfaction of the decree the whole, of the lands, houses and all effects, either real or personal, belonging to the party against whom the judgment may have been given, or by the attachment of his person, or, where it may be necessary, both by the sale of his property and effects and the attachment of his person; but no sale of any landed property attached in execution of a decree shall be legal, unless the authority of the Governor's Agent for such sale shall have been previously obtained :

¹ Provided that the following properties shall not be liable to attachment :—

- (a) the necessary wearing-apparel and bedding of the judgment-debtor, his wife and children ;
- (b) tools of artisans and such implements of husbandry, cattle and seed-grain as are necessary to enable the judgment-debtor to earn his living ;
- (c) stipends and gratuities payable to Government pensioners ;
- (d) the salary due to a public officer, unless such salary exceeds Rs. 20 per mensem, in which case a moiety may be attached ;
- (e) the wages of labourers and domestic servants.

Clause 3.—Decrees against such Rajas and other Chiefs as the Agent may except from the ordinary process shall be executed under such rules as may be specially provided with the sanction of Government.

² *Clause 4.*—Whenever it is sought to execute within the Agency tracts a decree passed by a Court of British India situated beyond the Agent's jurisdiction, the Court issuing the decree shall forward the decree and a copy of the judgment in the suit to the Agent, who shall cause the decree to be executed

¹ This proviso was added by G. O. No. 744-J., dated 26th April, 1889.

² Clause 4 of rule XXVI was substituted by G. O. No. 2064-J., dated 8th August, 1885.

IV.—Rules and Orders under the Ganjam and Vizagapatam Act, 1839 (XXIV of 1839), for the Administration of Justice and Collection of Revenue in Ganjam and Vizagapatam—continued.

RULES FOR THE GUIDANCE OF THE GOVERNOR'S AGENTS IN GANJAM AND VIZAGAPATAM—continued.

in the manner provided by these rules for the execution of the decrees of his own Court :

Provided that, for reasons to be recorded, the Agent may refuse to cause any such decree to be executed, or may at any stage of the execution order the execution of any such decree to be stayed. Such refusal, or order of the Agent shall be subject to revision by the Governor in Council.

In every case the Agent shall furnish to the Court issuing the decree a certificate of execution or a copy of his order refusing to execute or staying the execution of the decree.

Rule XXVII, Clause 1.—The Agent and his Assistants are authorized at their discretion to refer any suit, or special questions in a suit, for examination and judgment by a Pancháyat, to consist of three or five persons to be selected by the Agent or Assistant after the plaintiff and defendant have had notice and the witnesses have been assembled. The plaintiff and defendant or their Pleaders or Mukhtárs shall each be permitted to challenge any members of the Pancháyat, and, on giving sufficient reason for the challenge, another person or persons shall be selected to supply his or their place. Pancháyats assembled under these rules shall be guided by the enactments for District Pancháyats contained in the Madras Code of Regulations and Acts applicable to that Presidency, except as they are modified by these rules. When a Pancháyat has been nominated, the Agent or his Assistant shall immediately direct a gumashta to attend the Pancháyat, to record their proceedings and award. The Agent or Assistant shall then direct them to proceed forthwith to some convenient place in his kachahri, or adjoining it, to investigate the matter at issue. When the pleadings shall have been closed and evidence taken, the Pancháyat shall direct the gumashta and parties to retire, and shall consult and decide on their award ; and when they have come to a decision they shall re-call the gumashta to record the award, which (award) having been duly attested with their signature, they shall deliver to the officer appointing the Pancháyat, by whom, if approved, a decree in conformity therewith shall be passed, which decree in cases where the Pancháyat has been assembled by a subordinate shall, previous to its execution, be submitted to the Agent, who shall either confirm, modify or reverse the award, or remand

IV.—Rules and Orders under the Ganjam and Vizagapatam Act, 1839 (XXIV of 1839), for the Administration of Justice and Collection of Revenue in Ganjam and Vizagapatam—continued.

Rules for the guidance of the Governor's Agents in Ganjam and Vizagapatam—continued.

the case for further investigation or re-investigation by a Pancháyat, or otherwise as might to him seem expedient.

Rule XXVIII.—The Agent will submit to the Sadr Court half-yearly statements of the number of cases filed and disposed of by himself and his Assistants and by the Munsifs, prepared in such form as may be by them prescribed.

REVENUE.

Rule XXIX, Clause 1.—In conducting their local duties in the Revenue Department, the Agents of the Governor will be guided by the rules hitherto in force, and exercise the same powers as are vested by Regulation in the Collectors of land-revenue both as regards the realization of the public revenue and the trial of the public servants charged with malversation and corruption.

Clause 2.—The Agents and their Assistants will continue in their revenue capacity subject to the control and orders of the Board of Revenue.

Clause 3.—It shall not, however, be incumbent on the Board of Revenue to interfere, except in matters referred to them by the Agent, unless a strong necessity for such interference should appear, and in cases of the nature described in Regulation IX of 1822,¹ tried by the Agents, a record of the proceedings is dispensed with and a full explanation by letter only will be required.

GENERAL.

Rule XXX.—All process, Civil or Criminal, issued at the instance of any authority [²in British India] situated beyond the Agent's jurisdiction to or against any person subject thereto or situated therein, shall be forwarded by letter to the Agent, who shall execute the same as if it were his own process, returning the said process by letter to the authority from whom it issued, duly endorsed by his proper officer, showing what has been done thereon: [²Provided that, for reasons to be recorded, the Agent may refuse to execute, or may stay the execution of, any such process. Such refusal or order of the Agent shall be subject to revision by the Governor in Council].

Rule XXXI.—All petitions against the proceedings of the Agent must

¹ Printed *supra*, p. 79.

² The words "in British India" and the proviso were added by G. O. No. 2064-J., dated the 8th August, 1885.

IV.—Rules and Orders under the Ganjam and Vizagapatam Act, 1839 (XXIV of 1839), for the Administration of Justice and Collection of Revenue in Ganjam and Vizagapatam—continued.

Rules for the guidance of the Governor's Agents in Ganjam and Vizagapatam—continued.

in the first instance be submitted to Government, and will be referred when necessary either to the Court of Sadr and Faujdari Adálat, or the Board of Revenue as the case may be.

Rule XXXII.—Reference will be made by the Agent to Government in all cases not provided for by the rules, and whenever it may be expedient the opinion of the Sadr and Faujdari Adálat, or of the Board of Revenue, as the case may be, will be required.

Form referred to in Rule XIV.

In the Court of the Agent to the Governor of Fort St. George.

Original Suit No. of 189 .

Plaintiff,

versus

Defendant.

Judgment for (Plaintiff or Defendant, as the case may be);

Debt Rupees.

Costs Do.

Total Rupees

Rupees.

Given under my hand and the seal of the Court this day of 189 .

Agent.

G. O. No. 10, Judicial, dated 6th January, 1863.

Under the authority vested in him by section 4, Act XXIV of 1839, His Excellency the Governor in Council cancels so much of the Revised Agency Rules, sanctioned by Government in their Proceedings of the 24th July, 1860, No. 931, as relates to criminal justice, and authorizes the Agents in Ganjam and Vizagapatam, respectively, to exercise the powers of a Session Judge, in addition to those belonging to a Magistrate of a District under the Code of Criminal Procedure.

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IV.—Rules and Orders under the Ganjam and Vizagapatam Act, 1839 (XXIV of 1839), for the Administration of Justice and Collection of Revenue in Ganjam and Vizagapatam—concluded.

• Rules for the guidance of the Governor's Agents in Ganjam and Vizagapatam—concluded.

JUDICIAL NOTIFICATION, DATED 9TH JUNE, 1863.

(G. O. No. 900 JUDICIAL, 9TH JUNE, 1863.)

(Published in the Port St. George Gazette, 9th June, 1863, p. 946.)

It is hereby notified that on the 1st day of July, 1863, the Civil and Session Court now established at Masulipatam will be abolished, and that on that date the Taluqs in the Kistna Collectorate, now subject to the Civil and Session Court of Masulipatam, will be subjected to the jurisdiction of the Civil and Session Court of Guntūr.

*** IN THE GANJAM AGENCY.**

Zamindāris.

Pauloor.	Mundasa.
Hoomanah.	Soorunghi.
Bueridee.	Jaradah.
Khullicottah.	Jalutra.
Pratapagery.	Boodarasinghi.
Mohery.	Pharacotah.
Vizeanagur.	Badagadah.
Hauteghur.	Sareghur.
Bramnorchee.	Turlah.
Chegatee.	Parlakimedi.

Aumany Estates.

Askah.
Pornary.
Coorlaw.

† IN THE VIZAGAPATAM AGENCY.

Ancient Zamindāris.

Vizeanagur (exclusive of Kaseepur).

Under Aumany.

Palcondah.

It is further notified that on the 1st day of July, 1863, the Principal Sadr Amin's Court at Vizagapatam will be abolished, and that a Civil and Session Court will on that day be established at Vizagapatam; and further that with the sanction of the Government of India the tracts marginally* noted, now subject to the jurisdiction of the Agent to the Governor at

Ganjam, will from the 1st day of July, 1863, be subject to that of the Civil and Session Court at Chicacole; and that those marginally† noted, now subject to the Agent to the Governor in Vizagapatam, will on the same day be transferred to the jurisdiction of the Civil and Session Court at Vizagapatam.

It is hereby further notified that on the 1st day of July, 1863, a Court of Small Causes under Act XLII of 1860 will be established at Masulipatam the local jurisdiction of which will be declared hereafter.

The Judge of the said Court of Small Causes will be invested with the powers of a Principal Sadr Amin and of a Magistrate under Act XII of 1861.

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